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Guam Board of Examiners for Dentistry

Administrative Rules and Regulations

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CHAPTER 8

Guam Board of Examiners for Dentistry

25 GAR – Professional & Vocational Regulations

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Guam Board of Examiners for Dentistry
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CHAPTER 8
GUAM BOARD OF DENTAL EXAMINER

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§8101. Definitions. As used in these Rules and Regulations:

(a) *Bed* means the Board of Examiners for Dentistry.

(b) *Dental Ancillary Personnel* includes *Dental Auxiliaries, Dental Assistants,* and *Dental Laboratory Technicians.*

(c) *Dental Hygiene* means the rendering of educational, preventive, and therapeutic dental services, including the removal of calculus deposits, accretions and stains from exposed surfaces of the teeth and from the gingival sulcus; performance of root planning and curettage; exposure of dental X-ray films; application of topical preventive or prophylactic agents; and performance of all tasks delegable by the dentist in accordance with PL 16-123 and the rules and regulations of the BED.

(d) *Dental Hygienist* means a person licensed by the BED to practice Dental Hygiene.

(e) *Dental Auxiliary* means person registered with and certified by the BED as a Dental auxiliary who, under the direct supervision and authorization of a dentist, may provide dental care services directly to a patient. This person must have completed a Dental auxiliary Training Program approved by the BED'.

(f) *Dental Assistant* means a person registered with and certified by the BED as a Dental Assistant who, under the direct supervision and authorization of a dentist, assists the Dentist or provides dental care services directly to a patient.

(g) *Dental Lab Technician* means a person registered with and certified by the BED who performs for a fee of any kind, gratuitously or otherwise, directly or through an agent or employee, by any means or method, or who in any way supplies or manufactures artificial substitutes for the natural teeth, or who furnishes, supplies, constructs, or reproduces or repairs any prosthetic denture, bridge, or appliance to be worn in the mouth or who in any way holds himself out as a dental laboratory technician; Such persons may create or alter dental appliances only on the written authorization of a licensed dentist and may not see patients directly for any purpose whatsoever.

(h) *Resident Dentist* means ' Dentist who has presented evidence satisfactory to the BED of either (1) his or her intention to reside on Guam indefinitely, or (2) his or her intention to practice dentistry on Guam immediately upon licensure, either for a fixed period of time or indefinitely.

(i) *Direct Supervision* means supervision whereby a dentist diagnoses the condition to be treated, a dentist remains on the premises while the procedures are performed and a dentist approves the work performed before dismissal of the patient.

(j) *Indirect Supervision* means supervision whereby a dentist authorizes the procedure and a dentist is on the premises while the procedures are performed.

(k) *General Supervision* means supervision whereby a dentist authorizes the procedures which are being carried out but need not be present on the premises or at chairside when the authorized procedures are being performed.

(l) *Irreversible Tasks* are those intra-oral treatment tasks which, when performed, are irreversible, create unalterable changes within the oral cavity or the contiguous structures, or which cause an increased risk to the patient.

(m) *Reversible Tasks* are those intra-oral treatment tasks which are readily reversible, do not create unalterable changes within the oral cavity or the contiguous structures, and which do not cause any increased risk to the patient.

(n) *Category I Continuing Dental Education (CDE) credits* are credits earned through attendance at state,

national, and international dental meetings, continuing education courses accredited by the American Dental Association and, other Continuing Dental Education (CDE) activities approved in advance by the BED'. The BED will determine the CDE credits earned for these other CDE activities.

(o) *Category II Continuing Dental Education (CDE) credits* are credits earned by attendance at regularly scheduled monthly meetings of the Guam Dental Society only. Two CDE credits will be awarded for each Guam Dental Society meeting attended.

(p) *Advertise* means to communicate information about a licensee's professional services or qualifications to another person or to the public.

(q) *Dental Specialist* means a dentist who is licensed as a dental specialist by the Board of Examiners for Dentistry.

(r) *Dental Specialty* means any of the dental specialties which are currently recognized by the American Dental Association.

(s) *Reside* means to maintain a principal home; a principal home may be maintained in only one (1) jurisdiction.

§8102. Requirements for Dental Licensure. (a) Repeal and Reenactment. The rules and regulations of the BED relative to the requirements for Dental licensure which were submitted to the Legislative Secretary on March 8, 1985 are hereby repealed and the rules and regulations in Section 2 through 55 below are enacted in their place.

(b) Application for Licensure. Any person who desires to practice Dentistry in Guam must apply to the BED for licensure and provide the following:

(1) Proof of good moral character. The applicant must satisfactorily complete the BED's questionnaire on moral character and fitness.

(2) A notarized copy of licant's diploma or evidence satisfactory to the BED of graduation from a U. S. dental school or college which has been approved by the BED and accredited by the American Dental Association (ADA); or, if a foreign dental graduate, applicant must present evidence of satisfactory completion of either a Two (2) year dental residency through a U. S. accredited hospital or university, or certified completion of an American Dental Association (ADA) accredited dental specialty training program. All

graduates, including foreign dental graduates, must demonstrate to the Board that they have successfully passed a clinical dental examination in one of the Fifty (50) states.

(3) If the applicant has practiced Dentistry in any U. S. jurisdiction, the applicant shall furnish:

(i) A notarized copy of applicant's license to practice Dentistry in that jurisdiction, and;

(ii) An affidavit from the Board of Dental Examiners of that jurisdiction verifying that applicant has been engaged in the legal and reputable practice of Dentistry in that jurisdiction, and for how many years.

(4) A detailed 'Practice Plan' outlining the type of practice applicant will establish, where this practice will be conducted, and in what way the practice will benefit the community and meet a need in the dental care delivery system.

(5) Payment of required non-refundable fees:

service:	fee:
(i) New application	$500
(ii) Clinical examination	$2000
(iii) Renewal of license	$ 40
(iv) Late renewal filing fee $200/each month late	
(v) License verification	$15
(vi) Re-issuance of license certificate	$25
(vii) Copy of Dental Practice Act	$5
(viii) Copy of Dental Board Rules and Regulations	$15
(ix) Photocopy per page	$.50

(6) Verification of all information required on the application by both verbal and written oath.

(7) It is the responsibility of each applicant to ensure that the BED Secretary receives all necessary documents and the application is incomplete until all necessary documents, including a recent photograph, are presented to the BED and all applicable fees have been paid. With the exception of original documents, all credentials must be notarized. In making application for licensure as a Dentist, the applicant authorizes the BED to verify any or all information contained in the application, and to seek whatever additional information pertinent to the applicant's qualifications or character that the BED may deem proper. A completed

application must be filed at least Sixty (60) days prior to the proposed establishment of practice and the date of examination or interview.

(8) Proof that the applicant has attended a total of Sixty-five (65) hours of Category I CDE within the previous Twenty-four (24) months. In the case of an applicant who has graduated from Dental School within the previous Twenty-four (24) months, the BED will pro-rate the above Continuing Dental Education requirement.

(9) Evidence of either (1) applicant's intention to reside on Guam indefinitely, or (2) applicant's intention to practice dentistry on Guam immediately upon licensure, whether for a fixed period of time or indefinitely.

(10) An original copy, or a notarized copy of the original, of the scores indicating successful completion of Parts I and II of the National Board of Dental Examiners Examination.

(11) A notarized copy of applicant's birth certificate or a notarized copy of the identification pages of applicant's U. S. or other passport, including the photograph.

(12) Wherever a notarized copy is requested, the applicant's notarized signature must be under the following statement: "I hereby certify this to be a true and unaltered copy of the original document".

(c) **Pending Complaints.** If the BED finds that an applicant has a complaint filed against him or her in another jurisdiction, it may deny the application pending final disposition of the complaint.

(d) **Examination for Licensure.** Any applicant for Dental licensure in Guam is subject to the following:

(1) Successful completion of an oral examination and interview before the BED which includes, but is not limited to, providing the Board with information concerning a detailed practice plan and a site where the dental practice will be conducted.

(2) Successful completion of a jurisprudence examination will be required of all applicants for dental licensure in the territory of Guam. The purpose of such examination is to ensure that practicing dentists in the territory are familiar with the regulations and laws governing their practice. The BED, or its

representative, will administer the necessary examination and a score of Seventy-five Percent (75%) will be required to pass the examination. The examination shall be successfully completed prior to the date of the oral examination and interview.

(3) Successful completion of a clinical examination of the applicant's diagnostic and clinical skills, if required at the discretion of the BED. The BED will be the sole agency to determine if the Clinical Examination will be required. Circumstances under which a clinical examination may be required include, but are not limited to, the following:

(i) The applicant has been inactive in the practice of dentistry for a period of Five (5) years or more immediately prior to application.

(ii) The applicant has suffered either physical or mental impairment which could affect the applicant's ability to carry out the duties of a practicing dentist.

(iii) The Board has information which leads it to reasonably believe that the examination will help safeguard the health of the community.

(iv) A dental specialist who indicates to the Board that he or she may also provide general dental services to his or her patients. The BED will be the sole judge as to what constitutes general dental procedures.

The clinical examination will be administered by the BED in August and February of each year, and will consist of the following:

DAY ONE

8:00 Set up
8:30 Meet with the BED
9:00 Crown preparation on Typodont
11:00Diagnosis Part A - due at 5:00 PM
12:00Lunch
1:00 Lab work and Diagnosis Part A
5:00 Hand in crown (invested) and typodont (Hand in diagnosis Part A)

DAY TWO

8:00 Complete crown
9:30 Alloy Class II
11:30Oral diagnosis Part B (due at 1:00 PM)

12:00Lunch
1:00 Class III resin and evaluation of Oral diagnosis Part B
3:30 Finish all parts of the exam
3:30-5:00 BED evaluates applicant in executive session

The Conduct of the Examination is the following:

(i) By prior written authorization a Dental Assistant may be used; provided, the BED is notified at least Thirty (30) days before the examination date as to the name and certification status of the intended assistant. The BED is the sole judge as to the acceptability of the dental assistant.

(ii) All supplies and materials must be ADA certified dental materials and must be supplied by the examinee.

(iii) Grading is either 'satisfactory' or 'unsatisfactory'. To successfully complete the examination, the applicant must receive a grade of 'satisfactory' from at least Four (4) members of the BED on each part of the examination listed under 'Quantitative Requirements' of the clinical examination guidelines below.

(iv) The BED may alter or augment the treatment of any patient during the examination if, in its opinion, it is in the best interest of the patient to do so.

(v) If, due to any circumstance during the examination, the patient receives less than satisfactory results, it will be the responsibility of the examinee to alter or replace said dental work so as to produce a satisfactory result at no cost whatsoever to the patient. If the examinee fails to become licensed in Guam, the examinee shall pay a licensed dentist to complete or replace the work on the patient to produce satisfactory results. The BED shall be the sole judge of the acceptability of the dental work.

(vi) All dental patients who are to participate in the examination shall be

informed prior to treatment of the circumstances under which they are being treated and that the BED is the sole judge of the acceptability of the resulting treatment. The patient shall sign a release to that effect, which must accompany his or her dental records.

(vii) Examinees shall be notified of the examination results by certified mail postmarked within Five (5) working days of completing the examination.

Clinical examination guidelines for dentistry are the following:

(i) Pre-Examination.

(A) The applicant must provide all materials (ADA certified) and patients for the examination. Further, for all patients to be used on the examination, the applicant must provide a full-mouth series of periapical x-rays which have been taken within Ninety (90) days of the examination. The x-ray of the proposed area of treatment must be not more than Thirty (30) days old. X-ray facilities will be available at a Public Health Center for One (1) week prior to the examination date. Study models may be taken in advance, to be used in the diagnosis of a patient's oral condition, but are not required by the BED. For each patient, the applicant shall provide a complete dental charting and recent medical history, as well as the patient's written consent to be treated by the applicant for purposes of the examination.

(B) Examinees shall present their patients and materials to the BED, as well as the above records, to show the dental pathology to be restored. Such restorations will accomplish the following requirements:

(ii) Quantitative requirements.

Class III composite resin

Class II alloy

Oral diagnosis and Treatment Plan (Two parts)

Cast gold crown (on Typodont)

(iii) Procedural requirements for Class II Resin are the following:

Rubber dam is required.

Anterior teeth only.

Tooth must be vital, in function, in contact both mesial and distal.

Tooth must show caries into dentin either clinically, or radiographically; or show an existing restoration needing to be replaced due to marginal leakage, re-decay, gross discoloration, fracture, or damaged enamel.

Pulpal protection must be provided.

Local anesthetics must be provided.

Acid etch and pin retention techniques are acceptable with BED approval.

Examinee will provide an exposed, undeveloped x-ray of the finished restoration to the BED upon completion of the restoration.

(iv) Procedural Requirements for Class II Alloy are the following:

Rubber dam is required.

Posterior teeth only.

Tooth must show carious lesion into dentin clinically, or radiographically, on surfaces to be restored; or an existing restoration which requires replacement due to recurrent decay, fractured enamel, or marginal failure.

Teeth chosen must be vital, in occlusion, and in contact both mesially and distally.

Final restoration must have

interproximal contacts and be in function with opposing natural or prosthetic teeth.

Pulpal protection shall be provided where indicated.

Pins for retention may be used with approval of the BED.

An undeveloped x-ray of the final restoration shall be provided by the examinee.

(v) Procedural requirements for oral diagnosis are the following:

For Part A, the BED shall present the examinee with complete records of an actual patient which shall include full mouth x-rays, panorex, study models, complete medical history, intraoral photographs, periodontal charting and cephalometric head film. From these records alone, the examinee shall formulate and present to the BED a comprehensive written oral diagnosis and treatment plan, in detail, to demonstrate examinee's knowledge of comprehensive dental care.

For Part B, of the oral diagnosis section, the examinee shall present to the BED a patient with advanced dental needs, either restorative, periodontal, or prosthetic, along with the required records. Under supervision of the BED, the examinee shall conduct a complete periodontal charting and oral examination, and from this data the examinee shall formulate a complete and comprehensive diagnosis and course of treatment aimed at dental rehabilitation for that patient.

(vi) Procedural requirements for crown preparation and casting are the following:

The crown may be full, 3/4, or 7/8, and shall be prepared on a typodont at the laboratory bench.

Only posterior teeth may be used

The typodont shall be mounted in Class I centric occlusion on a semi-adjustable articulator.

The tooth to be prepared shall have both mesial and distal proximal contacts and be in function with opposing teeth.

Preparation shall exhibit resistance form, retention form, and withdrawal form.

The finished preparation will then be duplicated using normal impression techniques and a working model and die shall be fabricated by the examinee.

Upon the working model a wax up and gold casting shall be fabricated and finished by the examinee. Casting facilities are provided by the BED.

Class II Alloy Procedure Grading Sheet is as follows:

(Satisfactory = S) (Unsatisfactory = U)

I. General Neatness of the Preparation & Work Area.

Rubber dam placement
Prep clean and ready to proceed

II. Patient Management.

Anesthesia
Patient comfort
Patient acceptance

III. Preparation.

Outline form
Isthmus width
Extension and prevention
Enamel supported/unsupported
Cavo-surface margins
Internal form
Depth of axial and pulpal walls
Gingival floor
Caries removal

Pulpal protection
Retention form
Base
Proper materials
Placement
Efficacy
Matrix
Placement
Contour
Wedge
Access
Condensing and Carving
Contours - occlusal and interproximal
Interproximal contact
Cavo surface margins
Anatomy (marginal ridges, groves, etc.)
Occlusion.

Class III Resin Procedure Grading Sheet is as follows:

(Satisfactory = S) (Unsatisfactory = U)

I. General Neatness of the Preparation and Work Area.

Rubber dam placement
Prep clean and ready to proceed

II. Patient Management.

Anesthesia
Patient comfort
Patient Acceptance

III. Preparation.

Outline form
Supported enamel
Bulk for strength
Contact
Internal form
Carries removal
Pulpal protection
Retention form
Base
Proper materials
Placement
Efficacy

Matrix
Placement
Efficacy

IV. Final Restoration

Contours
Proximal contact
Cavo-surface margins
Functional contacts
Aesthetics
Shade match
Contours, shape, and anatomy
Finish
Surface polish.

The Crown Restoration on Typodont Grading Sheet is as follows:

(Satisfactory = S) (Unsatisfactory = U)

I. General Neatness of the Preparation & Work Area.

Clean neat work area
Prep ready to proceed

II. Preparation Design

Retention form
Resistance form
Withdrawal form
Occlusal reduction
Placement and contour of the margins

III. Final Crown

Contours, form, embrasure
Occlusion, centric, protrusive and lateral excursions
Contacts, finish and margins.

(e) Renewal of License.

(1) Every license to practice Dentistry in Guam must be renewed by September 30 of each odd numbered year.

(2) Only a resident dentist is eligible for license renewal.

(3) The non-refundable Renewal of license fee of Forty Dollars ($40) is required for each license renewal period.

(4) An applicant for renewal must file a completed license renewal application with the Board secretary on or before August 31 of each odd numbered year. This application must contain proof that the applicant has attended a total of Sixty-five (65) hours of CDE, of which at least Twenty (20) hours must be Category II CDE credits, earned within the previous Twenty-four (24) months. In the case of an applicant who has graduated from a Dental School in the previous Twenty-four (24) months or a dentist who has been licensed in the territory less than Twenty-four (24) months, the BED will pro-rate the above Continuing Dental Education requirement. The Board reserves the right to adjust or waive this requirement for circumstances not specifically addressed above.

(5) **Grace period.** The BED allows a grace period extending to 15 October. Practice of dentistry after 15 October without a valid license will constitute a violation and the dentist will be subject to the penalties in Chapter 3, Section 16.

(6) **Late renewal application filing fee.** The BED will assess a late filing fee of $200 for each month or part thereof following 31 August of odd numbered years.

(7) Any lapsed license to practice dentistry may be renewed within 5 years of the date of its issuance if the holder thereof meets all of the requirements for renewal and pays to the BED the annual renewal fee due for each year that the license was not timely renewed.

(f) Expiration of Dental Licenses. Licenses to practice dentistry expire on September 30 of each odd numbered year or upon termination of active practice of dentistry on Guam, whichever occurs earlier. The BED will be the sole judge as to what constitutes the active practice of dentistry.

§8103. Professional Conduct. (a) Violation. Violation of any of the provisions set forth in this Chapter shall constitute unprofessional conduct and may result in disciplinary action.

(b) Professional Signs. No more than Three (3) signs shall designate the professional office where a Dentist is engaged in the practice of the profession. Such signs may contain name of practitioner, earned dental degree or degrees, the word(s) 'Dentist', 'Dentistry', 'General Dentistry', or if the practice is limited to one specialty, 'Orthodontics', 'Pediatric Dentistry', 'Endodontics', 'Oral Surgery' (extractions) or 'Oral and Maxillofacial Surgery', 'Oral Pathology', 'Periodontics', or 'Prosthodontics'.

(1) **Lighting** - The use of neon or moving background or lettering in a sign is expressly prohibited.

(2) **Size** - The individual letters on such sign shall not exceed Five (5) inches in height and shall be only in One (1) color. The entire sign shall not exceed Ninety-six inches (96") in length. The BED may authorize exceptions to this requirement, upon written application by a dentist, on an individual basis, as long as the sign remains professional in its presentation and message.

(3) **Practitioner's Name Required** - Only the name of the dentist or dentists who are actually engaged in the practice of the dental profession at such address may be used. The name of a deceased or retired practitioner at such address shall not be used in any manner from One (1) year after death or retirement.

(4) **Dentist in Charge** - No dentist shall practice dentistry in any office or place of practice where any name, names, identification, directory, sign, or listing whatsoever is used in connection therewith which indicates, or tends to indicate, that such office or place of practice is owned, operated, supervised, directed, staffed, or attended by other than a dentist, or by any dentist not actually present and practicing dentistry therein; provided, however, this item 4 shall not apply to a dentist who is temporarily absent or incapacitated.

(5) **Professional Corporations** - Where a dentist or dentists incorporate under the laws of Guam, there must be added, after any permitted listing, the additional abbreviation 'Inc.' or 'P.C'.

(6) **Removal of Name** - If a dental licensee's dental license has been suspended for a term of One (1) year or longer, or has been revoked or canceled, then such licensee's name and all listings, signs, and other public references to such license, his dental office and dental practice shall be immediately removed and not thereafter used in any manner, unless and until said license is reinstated.

(7) No licensee shall permit his or her name or address to appear in any address at which he or she is not practicing.

(c) Newspaper and Professional Listings.

(1) **Special Announcements** - Announcements

stating (i) a practitioner's first establishment of an office for the practice of dentistry, (ii) a change of office location, (iii) the association of a new dentist in such office and location, (iv) the original assumption of a deceased or retired dentist's practice, or (v) the death or permanent retirement of an associate practitioner, may be specially announced in the newspapers. These announcements may be published Ten (10) days before and Thirty (30) days immediately after such an event, but may not exceed Thirty (30) days total publication.

(2) **Telephone Directory Listings** - A dental licensee may have not more than Three (3) professional listings: One (1) in the white pages and Two (2) in the yellow pages. Such listings may contain the name, the dental degree or degrees of each licensee, the address and the telephone numbers of the practitioner at such address, and graphics such as a clinic logo or the logo of a Professional Association to which the Dentist is a member. Where the practitioner limits his or her practice to One (1) specialty, he or she may add immediately following his or her alphabetical listing such limitation of practice or specialty. A practitioner shall not list, or permit the listing, of his or her name or address, under any separate limitation of practice or specialty heading unless he or she actually limits his or her practice to such specialty.

(d) Fee Splitting. No dentist shall divide, share, split, or allocate, directly or indirectly, any fee for dental services with any lay person, firm, association, or corporation. This prohibition shall not prevent any regular employer-employee relationship and the paying for such services.

(e) Professional and Community Conduct..

(1) The dentist has special knowledge which the dental patient does not have; therefore, to avoid misunderstanding, the dentist should advise his or her patients in advance of beginning treatment of (i) the nature and extent of the treatment needed by such patient, (ii) the approximate time required to perform the recommended treatment and services, (iii) the terms and conditions of the payment of the fee, and (iv) any further or additional service or returns by the patient for adjustments, repair or consultation and the time within which this shall occur.

(2) A Guam Licensee shall neither act, nor aid or abet another to act, in any manner which is reprehensible, immoral, illegal, against the public

interest, public policy or public safety, or which tends to degrade, destroy, or bring discredit upon the licensee, the community, or the dental profession.

(f) Patient Records and their Transfer.

(1) Dentists shall maintain and keep adequate records, made in a permanent and unalterable media, of the diagnosis made and the treatment performed for a period of time consistent with the Guam Statute of Limitations regarding dental malpractice (§11308 of Title 7, Guam Code Annotated).

(2) Upon written request, original patient treatment records shall be available for inspection by the members of the BED, or its designated consultant, for the ascertainment of facts. Reasons for requesting records would include investigation of patient complaints, verification of dental treatments, and any other valid reasons involving the Board's need to know.

(3) Upon written request, copies of patient records, including dental x-rays, dental models, and the treatment rendered shall be made available to another dentist for continued treatment. A dentist is entitled to charge the patient a reasonable fee for their duplication.

(4) If an office keeps electronic records of patient treatment, the Board requires the following:

(i) Back up copies will be made once a week and kept off site.

(ii) Electronic and written records will be kept for a period of time consistent with the Guam Statute of Limitations regarding dental malpractice (§11308 of Title 7, Guam Code Annotated).

(iii) If treatment records are not periodically archived in an ROM media which is unalterable, the Board requires that a dentist print out a hard copy at Six (6) month intervals beginning June 30, 1995. This copy should be signed and dated.

(g) Termination of Relationship. No dentist shall abandon a dental patient the dentist has undertaken to treat. The dentist may discontinue treatment after reasonable notice has been given to the patient by the dentist of the dentist's intention to discontinue treatment, and the patient has had a reasonable time to secure the services of another dentist, or after all dental services actually begun have been completed and there is no contract or agreement to provide further treatment.

(h) Unlicensed Personnel.

(1) No dentist shall employ any unlicensed dentist, nor employ any dental hygienist who is either unlicensed, or in possession of a temporary permit to practice dental hygiene issued by the BED.

(2) No dentist shall employ any dental ancillary personnel who is unregistered, or who is not in possession of either a temporary permit or a annual certificate issued by the BED.

(i) Display of License. All practitioners of dentistry shall post their license and keep it conspicuously displayed in each office in which they practice.

(j) Delegation of Duties. A dentist shall not delegate irreversible tasks to ancillary personnel or to dental hygienists.

(k) Dentist of Record.

(1) Each patient shall have a dentist known as a 'dentist-of-record' who is primarily responsible for all dental treatment rendered by that dentist or by an employee dentist, dental hygienist, or dental ancillary personnel, in conjunction with, or at the dentist's direction or request, or under that dentist's supervision.

(2) The name of a patient's dentist-of-record shall be prominently and permanently recorded on the front or inside cover to the patient chart in a format which indicates in a column the name of the present dentist-of-record and specifies the dates of any subsequent change of the dentist-of-record.

(3) If treatment is rendered by a dentist other than the dentist-of-record, or by a dental hygienist or auxiliary, the name or initials of such person shall be placed in the record of the patient after a description of what treatment was rendered by that individual.

(4) The dentist-of-record shall be responsible for presenting the patient with the treatment plan, along with the reasonable cost to be expected as part of that treatment plan, and shall obtain approval for that treatment plan prior to routine treatment being rendered to that patient. Any deviation from that treatment plan shall be under the authority and responsibility of the dentist-of-record and it shall be the dentist-of-record's responsibility to obtain the patient's prior approval of any such deviation and of any increased costs resulting therefrom.

(5) Should the dentist-of-record leave the dental

office where the patient is receiving treatment, a new dentist-of-record shall be entered on the patient's records at the first subsequent dental visit or at the first subsequent contact with the dental office. Being replaced as a dentist-of-record in no way absolves the prior dentist-of-record of responsibility for that portion of care which was performed prior to being replaced as a dentist-of-record.

(6) In any disciplinary proceeding it shall be presumed that treatment was rendered by the dentist-of-record unless otherwise noted on the patient record pursuant to this Subsection (k).

(7) The purpose of this Subsection (k) is to assign primary responsibility for each patient to One (1) dentist in a multi-dentist practice of any type, and to assign primary responsibility to the dentist for treatment rendered by a dental hygienist or auxiliary under the dentist's supervision. Further, it is the purpose of this Subsection (k) to assign responsibility for failure to treat, or recommend for treatment, any dental condition or pathology. Such conditions would include but not be limited to periodontal, prosthetic, and orthodontic needs. Failure to indicate a recommendation in writing in a patient's dental record creates a presumption of failure to so recommend.

(8) This Subsection (k) shall not be construed to assign any responsibility to a dentist-of-record for treatment rendered pursuant to a proper referral to another dentist not in practice with the dentist-of-record, or to prohibit a patient from voluntarily selecting a new dentist without permission of the dentist-of-record.

(9) This Subsection (k) shall not be construed so as to prevent a dentist who is not the dentist-of-record from rendering emergency treatment to a patient when that patient's dentist-of-record is unavailable.

(l) Proprietorship.

(1) No person other than a resident dentist, domiciled on Guam and licensed according to the laws of the territory of Guam, may:

(i) Employ a dentist or a dental hygienist in the operation of a dental practice;

(ii) Retain the ownership or control of a dental practice and make the same available in any

manner for the use of a dentist, dental hygienist, or other person.

(2) The term 'person' as used in this Subsection (l), shall not in any way pertain to territorial institutions but shall be deemed to include any individual, firm, partnership, corporation, or other entity.

(3) Nothing in this Subsection (l) shall apply to bona fide sales of dental equipment, dental materials, or a dental practice.

(4) No person, other than a resident dentist, a professional corporation controlled by a resident dentist, or a professional corporation which employs a resident dentist who controls and manages its dental facility with full autonomy free from outside influence in all professional and business (financial) matters, may employ a dentist or dental hygienist in the operation of a dental practice.

(5) The purpose of this Subsection (l) is to prevent the influencing or otherwise interfering with the exercise of a dentist's independent professional judgment. No person, other than a resident Guam licensed dentist, shall enter into a relationship with another resident Guam licensed dentist, in which the former dentist exercises control over the latter in any of the following:

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

(ii) The patient records of a dentist;

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

(iv) Professional decisions relating to office personnel and hours of practice.

(6) The resident Guam licensed dentist must be in full control of the dental practice in all phases of its professional, business, and fiscal operation. By definition, the dentist must be able to operate the dental practice with autonomy and without outside influence.

(m) Dental Franchising. Dental franchising is not permitted within the territory of Guam. A Guam dentist may not own, maintain, operate, lease, or in any way utilize more than One (1) primary and Two (2) satellite offices within the

territory. To operate a second satellite office, a dentist must petition the Board and document the dentist's intention to staff a minimum of Ten (10) hours per week a dental office located in a village currently without such service.

(n) **Advertising of Dental Services.**

(1) The purpose of this Subsection (n) is to regulate the advertisement by dentists of information which is intended to provide the public with sufficient knowledge upon which to make an informed selection of a dentist. At the same time, the public must be protected from false or misleading advertisements which would detract from a fair and rational selection process. The following list of reasonable restrictions on communications in advertising by dentists are adopted. Advertising is prohibited which contains communications that:

(i) are false, misleading, or deceptive;

(ii) contain a statement of opinion as to the quality of dental services;

(iii) appeal to an individual's anxiety in an excessive or unfair way, or intimidate, or exert undue pressure or undue influence over a prospective patient;

(iv) create unjustified expectations concerning the potential result of any dental treatment;

(v) promote professional superiority or performance of professional services in a superior manner;

(vi) refer to benefits or other attributes of dental procedures or products that involve significant risks but do not include realistic assessments of the safety and efficacy of the procedures or products;

(vii) contain statistical data, representations, or other information that is not susceptible to reasonable verification by the public;

(viii) refer to a fee or fees for dental services which do not disclose that additional fees may be involved in individual cases, if the possibility of incurring such additional charges may reasonably be foreseen;

(ix) utilize in any manner any celebrity or authority figure;

(x) contain direct or implied guarantees or testimonials from patients or other persons;

(xi) advertise the availability of free dental work, free examinations, or free consultations;

(xii) offer any rebate, refund, commission, preference, patronage, dividend, discount, or other consideration, whether in the form of money or otherwise, as compensation or inducement for referring patients, clients, or customers to any dentist;

(xiii) offer a discount for dental services without disclosing the total fee on which the discount will apply;

(xiv) do not make truthful disclosure of the source and authorship of any message published under a dentist's by-line.

(2) For a first violation of this Subsection (n), no disciplinary action may be commenced until the dentist or firm involved has been given Thirty (30) days' written notice of the violation. This notice must include a copy of the applicable portions of the Rules and Regulations, describe the prohibited advertising involved, and state that the violator has Thirty (30) days from the date of notice to correct the violation. If the violation is not corrected, disciplinary action may follow. The Thirty (30) day notice and right to correct are not applicable to any subsequent violations.

(3) No disciplinary action will be taken against a dentist for the acts of advertising agents that result in communications to the public which do not comply with the restrictions adopted by the BED, if the advertisement does not specify the name of the dentist or the name of the group, corporation, or firm under which the dentist practices. However, this provision does not apply in situations in which: (i) the advertising agent is owned or controlled by the dentist; (ii) the dentist provided information that does not comply with the restrictions adopted by the BED to the advertising agent for distribution to the public; or (iii) the content of the advertising is determined to any extent by the dentist.

(4) A dentist may advertise in accordance with the following rules:

(i) Any advertisement for dentistry or dental

services shall contain the name, address, and telephone number of the dentist, and of other dentists with whom the dentist is associated, and may contain the names of the dental hygienists associated with the dentist.

(ii) Any advertising may contain the following information:

(A) Any dental specialty recognized by the BED to which the dentist confines the dental practice if the dentist holds a certificate for having completed a recognized specialty training program approved by the American Dental Association. For the purposes of this rule, the BED recognizes only those national specialty boards which are recognized by the American Dental Association. It is misleading advertising for a dentist who has not acquired the certificate in a particular specialty area, and who was not otherwise eligible for examination by the national specialty board in that specialty area, to advertise that he or she limits his or her practice to that specialty area.

(B) Office hours.

(C) Advertising on radio or television may contain a person narrating the advertisement. In the case of advertisements on television, only the advertising dentist may appear and speak on camera. If the person narrating a radio or television advertisement represents him or herself as a certain dentist, then he or she must be the dentist represented.

(D) A licensee who authorizes another person or agent to disseminate information about the licensee's professional services to the public is responsible for the content of that information unless the licensee can prove by clear and convincing evidence that the content of the advertisement is contrary to the licensee's specific directions.

(E) A Guam licensed dentist may not advertise or promote him or herself in any manner as a dental specialist unless the Board recognizes that area of dentistry as a

specialty and has licensed the dentist in that specialty. A dentist, without a specialty license, by definition practices as a general practitioner. Any general practitioner practicing a dental specialty more than Fifty Percent (50%) of clinic hours without a specialty license issued by the BED must include an educational disclaimer with his or her advertising or promotion. This disclaimer must clearly and conspicuously state the lack of recognized or accredited specialty training in any dental specialty recognized by the Board.

(5) This Subsection (n) applies to any advertising done in Guam regardless of the fact that such advertising is done for, or on behalf of, or contracted by any out-of-territory practice or organization.

(o) **Other Acts of Unprofessional Conduct.** The following acts shall also constitute unprofessional conduct and may result in disciplinary action:

(1) Attempting to obtain or renew, or obtaining or renewing a Guam Dental license by bribery or misrepresentation.

(2) Revocation or suspension of a license or any other disciplinary action taken against a practitioner, including the denial of licensure, by the licensing authority of another state, territory, or country.

(3) Being convicted or found guilty of a crime in any jurisdiction. Any plea of *nolo contendere* shall be considered to be a finding of guilt for purposes of this Chapter.

(4) Advertising goods or services in a manner which in form or content is contrary to the rules and regulations of the BED.

(5) Practicing or attempting to practice under any name other than the licensed dentist's legal name except when the dentist is practicing as a professional corporation and uses the corporation name.

(6) Being employed in the practice of dentistry by any organization, corporation or group not controlled by a dentist, or by any person other than a dentist. Along with the title of the organization on all buildings and stationary there must follow a listing of the dentists providing service with the organization.

Groups or organizations with more than One (1) dentist must list all dentists in a directory either on or within the building and also on all professional stationary. Dentists with hospital staff privileges are exempt from this requirement when practicing in the hospital facility only.

(7) Failure to report to the BED any person whom the licensee knows, or has reason to believe, is in violation of the Dental Practice Act or of the rules and regulations of the BED.

(8) Aiding, assisting, procuring, or advising any unlicensed person to practice dentistry or dental hygiene contrary to the Dental Practice Act or the rules and regulations of the BED.

(9) Failing to perform any statutory or legal obligation imposed upon a licensee.

(10) Making or filing a report which the licensee knows to be false; intentionally or negligently failing to file a report or record required by state, federal, or territorial law or willfully discouraging, impeding, or obstructing such filing, or inducing another person to do so.

(11) Sexual misconduct with a patient; committing any act which would constitute sexual battery or assault upon a patient.

(12) Making deceptive, untrue, or fraudulent representations in the practice of dentistry.

(13) Failing to keep complete, permanent, and unalterable dental records and medical history records justifying the course of treatment of the patient including, but not limited to, patient histories, examination results, dental x-rays and test results. These records must be retained for a minimum period of time consistent with the Guam statute of limitations regarding dental malpractice (§11308 of Title 7, Guam Code Annotated).

(14) Exercising influence on the patient or client in such a manner as to exploit the patient or client for the financial gain of the licensee or of a third party, which includes, but is not limited to: the promotion or sale of goods or services, engaging in any split-fee arrangement in any form whatsoever with a dentist, an organization, an agency, or a person, either directly or indirectly, for patients referred to providers of health

care goods and services. The provisions of this item 8 shall not be construed to prevent a dentist from receiving a fee for legitimate, bona fide professional consultation services.

(15) Failing to make available for legitimate and reasonable purposes of review, to a patient or to his legal representative, copies of documents in the possession or under control of the licensee which relate to that patient.

(16) Performing professional services which have not been authorized by the patient or patient's legal representative.

(17) Fraud, deceit, or misconduct in the practice of dentistry or dental hygiene.

(18) Being guilty of incompetence by failing to meet the minimum standards of performance in diagnosis and treatment when measured against the generally prevailing peer performance, including, but not limited to: the undertaking of diagnosis and treatment for which the dentist is not qualified by training or experience. Unless established by a court of law, the BED will be the sole judge for establishing the minimum standards for the community.

(19) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that licensee is not competent to perform.

(20) Delegating professional responsibilities to any person whom the dentist knows, or has reason to know, is not qualified by training, experience, or licensure to perform them.

(21) Solicitation of patients who are currently undergoing dental treatment with another dental practice by the promise of superior service or reduced fees.

(22) Failing to inspect, prior to dismissal of a patient, any and all dental services performed by a dental hygienist or ancillary personnel during the course of treatment. This will include, but not be limited to: dental prophylaxis treatments, dental x-ray series, all completed and delivered dental prosthetic appliances, and completed dental restorations.

(23) Failing to inform the Board in writing

within Thirty (30) days of any change of address, status, practice site or employment condition as a dentist.

(p) Penalties for Unprofessional Conduct.

(1) When the BED finds any applicant or licensee guilty of unprofessional conduct, it may enter a final order imposing One (1) or more of the following penalties:

(i) Denial of an application for licensure or renewal.

(ii) Revocation or suspension of a license.

(iii) Issuance of a reprimand.

(iv) Placement of the licensee on probation for a period of time and subject to such conditions as the BED may specify, including requiring the licensee to attend continuing education courses or demonstrate licensee's competency through a written or practical examination, or to work under the supervision of another licensee.

(v) Restricting the authorized scope of practice.

(vi) Imposition of an administrative fine not to exceed One Thousand Dollars ($1000) for each separate offense.

(2) The BED may reinstate a suspended license or lift a probation of a disciplined licensee after a thorough reevaluation by the BED finds that the licensee has complied with all of the terms and conditions set forth in the final order and is capable of practicing in accordance with community standards.

§8104. Dental Hygienist. (a) Registration; Temporary Permit; Licensure.

(1) Any person wishing to be employed as a dental hygienist must be licensed as a dental hygienist with the BED prior to employment with any health care facility or dental office. The application for dental hygiene licensure must specify the dentist or dentists by whom the applicant is to be employed and must include a statement by the applicant that he or she is free of any infectious disease.

It is the responsibility of each applicant to ensure that the BED Secretary receives all necessary documents and the application shall be considered to be incomplete until all necessary documents, including a

recent photograph, are presented to the BED and all applicable fees have been paid. With the exception of original documents all credentials must be notarized. In making application for licensure as a dental hygienist, the applicant authorizes the BED to verify any or all information contained in the application and to seek whatever additional information pertinent to the applicant's qualifications or character that it may deem proper.

(2) A non-refundable fee of One Hundred Dollars ($100) must accompany the application.

(3) When an applicant meets the requirements for licensure established by these rules and regulations, the BED may issue a license allowing the applicant to practice dental hygiene.

(b) Penalties and Fines for Non-Registration.

(1) Any dentist who employs any dental hygienist who is unregistered, or who is not in possession of either a temporary permit or a license issued by the BED, shall be fined an amount not to exceed Fifty Dollars ($50) per working day.

(2) Any dental hygienist found in violation of the requirements of this Chapter shall be disciplined in accordance with Subsection (p) of Chapter 3 of these rules regulations.

(c) Requirements for Licensure.

(1) Any person applying for licensure as a dental hygienist must provide the Board with the following documents:

(i) a notarized copy of their diploma from a dental hygiene training program accredited by the American Dental Association.

(ii) a notarized copy of a license to practice dental hygiene in one of the Fifty (50) states.

(iii) an official transcript from their dental hygiene training program which has been mailed directly to the Board.

(2) Examination. The BED may, upon determination of a reasonable professional need, require an examination for licensure of any dental hygienist. In the interest of upgrading professional requirements, the BED will reserve authority to require such examination of applicants as needed.

(3) Payment of the required application fee.

(4) Verification of all information required on the application by written oath.

(5) Successful passing of the BED jurisprudence examination with a test score of Seventy-five Percent (75%) or greater.

(d) **Renewal of License.**

(1) Each license to practice dental hygiene must be renewed by September 30 of each odd numbered year.

(2) A non-refundable fee of Twenty Dollars ($20) is required for license renewal.

(e) **Display of License.** Each dental hygienist shall post his or her license and keep it conspicuously displayed in each office in which he or she practices.

(f) Delegated Duties.

(1) A dentist may not delegate irreversible tasks to dental hygienists.

(2) Not withstanding any other provision of rule, or regulation, the dentist is primarily responsible for all procedures which the dentist delegates to dental hygienists.

(3) A dental hygienist may practice under the indirect supervision of a Guam licensed dentist.

(g) **Revocation of License.** The following acts shall constitute cause for revocation of a license to practice dental hygiene:

(1) Attempting to obtain or renew, or obtaining or renewing a Guam dental hygiene license by bribery or misrepresentation.

(2) Revocation or suspension of a license, or any other disciplinary action taken against a dental hygienist, including the denial of licensure, by the licensing authority of another state, territory, or country.

(3) Being convicted or found guilty of a crime in any jurisdiction. Any plea of nolo contendere shall be considered to be a finding of guilt for purposes of this Chapter.

(4) Sexual misconduct with a patient: committing any act which would constitute sexual battery or assault upon a patient.

(5) Fraud, deceit, or misconduct in the practice

of dental hygiene.

(h) **Certification of Licensed Dental Hygienists to Administer Local Anesthesia.** The BED may, on satisfactory completion of the Board's application requirements, grant certification to a Guam licensed dental hygienist to administer local anesthesia to dental patients. Administering local anesthesia to dental patients may only be done under the direct supervision of a Guam licensed dentist.

(i)**Certificate Required.**

(1) In order to administer local anesthesia, a Guam licensed dental hygienist must possess a local anesthesia permit issued by the BED. All dental hygienists must post his or her local anesthesia permit and keep it conspicuously displayed in each office in which he or she practices. The permit must be renewed every odd numbered year on or before September 30th. In order to receive such a permit, either new or renewal, the dental hygienist must:

(i) Apply on a prescribed application form to the BED and pay a non-refundable application fee of Twenty Dollars ($20).

(ii) Produce evidence that the dental hygienist:

(A) holds a valid license to practice dental hygiene in the territory of Guam.

(B) documents in a manner satisfactory to the BED that they have completed a training program acceptable to the BED which includes instruction in anatomy, physiology, pharmacology, and practical clinical experience in local anesthetic administration techniques. This course must consist of not less than Thirty-two (32) instructional hours and train the applicant in the following injections:

Maxilla	Mandible
Anterior superior Alveolar	Inferior Alveolar nerve block
Posterior Superior Alveolar	Lingual nerve block
Middle Superior Alveolar	Mental nerve block
Greater Palatine	Buccal infiltration
Naso-PalatineLingual Infiltration	
	Mental Infiltration

(iii) Maintain a valid permit demonstrating currency in CPR training.

(2) Regulations for Administering Local Anesthetics.

(i) Local Anesthetic agents may be administered to patients by a certified Guam licensed dental hygienist only upon the direction of a Guam licensed dentist who will accept the responsibility for a review of the patients medical history and current health status.

(ii) Anesthetic procedures can only be performed under the direct supervision of a Guam licensed dentist. Direct supervision is defined as having the dentist on the premises and immediately accessible to the hygienists treatment area.

(iii) Local anesthetics and anesthetic procedures may only be provided to patients treated by the dental hygienist and not to patients who will be principally treated by another person or dentist.

(3)**Renewal of Certificate.** Each certificate to administer local anesthesia must be renewed on or before September 30 of every odd numbered year. Documentation of current CPR certification must accompany the application.

(4) **Revocation of Certification.** The certificate for administering local anesthetic agents may be revoked for failure to comply with the regulations of Subsection (h) of Chapter 4 of these rules and regulations.

§8105. Ancillary Personnel. (a) Registration; Temporary Permit; Certification.

(1) All persons wishing to perform the duties or functions of dental ancillary personnel must register with the BED and be issued a temporary permit prior to employment with any health care facility or dental office. An application for registration and certification must be filed with the BED Secretary at the Department of Public Health and Social Services prior to being employed in a dental practice. The application must specify the dentist or dentists by whom the applicant is to be employed and must include a statement by the applicant that he or she is free of any infectious disease. Upon satisfactory completion of the application and verification by the dentist specified thereon of his or her intent to employ the applicant, a Sixty (60) day, non-renewable, temporary permit will be issued to the applicant allowing him or her to work in a dental practice.

(2) A non-refundable fee of Twenty-five Dollars ($25)

must accompany the application. If the applicant fails to apply prior to beginning employment, his or her application shall be considered to be late and the fee increased to Fifty Dollars ($50).

(3) If the applicant meets the requirements for certification established by these rules and regulations, the BED may issue the applicant an annual certificate allowing the applicant to be employed in a dental practice after the expiration of his or her temporary permit.

(b) Penalties and Fines for Non-Registration.

(1) Any dentist who employs a dental hygienist who is unlicensed by the BED shall be fined an amount not to exceed Fifty Dollars ($50) per working day.

(2) Any dental ancillary personnel found in violation of the requirements of this Chapter shall be disciplined in accordance with Subsection (p) of Chapter 3 of these rules and regulations.

(c) Requirements for Certification.

(1) The BED may, upon determination of a reasonable professional need, require an examination for certification of any dental ancillary personnel. In the interest of upgrading professional requirements the BED will reserve authority to require such examination of applicants as needed.

(2) Payment of the required application fee.

(3) Verification of all information required on the application by written oath.

(4) Other Requirements:

(A) dental auxiliaries - Must have completed a dental auxiliary training program equivalent to or greater in scope than that offered by the University of Guam in its most recent dental auxiliary program.

(B) dental assistants - Requirements to be set at a future date.

(C) dental lab technicians - Requirements to be set at a future date.

(d) Renewal of Certificate.

(1) Each biannual certificate must be renewed by September 30 of each odd numbered year.

(2) A non-refundable fee of Ten Dollars ($10) is required for certificate renewal.

(e) **Display of Certificate or Permit.** Each dental ancillary personnel shall post and keep conspicuously displayed his or her annual certificate or temporary permit in each office in which he or she is employed.

(f) **Delegated Duties.**

(1) A dentist may not delegate irreversible tasks to dental ancillary personnel.

(2) Reversible tasks shall be performed by ancillary personnel under the direct or indirect supervision of a dentist, and after such formal or on-the-job-training as the BED may require.

(3) Notwithstanding any other provision of rule or regulation, the dentist is primarily responsible for all procedures which he or she delegates to ancillary personnel.

(g) **Revocation of Certificate.** The following acts shall constitute cause for revocation of a certificate to practice as a dental ancillary personnel:

(1) Attempting to obtain or renew, or obtaining or renewing a certificate to practice as a dental ancillary personnel by bribery or misrepresentation.

(2) Revocation or suspension of a certificate or license, or any other disciplinary action taken against a dental ancillary personnel, including the denial of certification or licensure, by the licensing authority of another state, territory, or country.

(3) Being convicted or found guilty of a crime in any jurisdiction. Any plea of *nolo contendere* shall be considered to be a finding of guilt for purposes of this Chapter.

(4) Sexual misconduct with a patient; committing any act which would constitute sexual battery or assault upon a patient.

(5) Fraud, deceit, or misconduct in the rendering of any dental treatment.

§8106. Visiting clinicians; courses; seminars. Prior Approval Required. Licensees of other jurisdictions may be permitted to demonstrate their professional technical ability at scientific and clinical meetings approved by the BED. Any and all courses, seminars, clinics or demonstrations, including those pertaining to anesthesia or anesthetic agents and duties of dental hygienists or ancillary personnel must be approved in advance by the BED. It is the responsibility of any clinician, person or organization sponsoring such a demonstration to request such permission

in a timely manner.

§8107. Conditional dental licensure. Conditions of Approval. In the event of a serious illness or an incapacitating occurrence to a Guam licensed dentist, the dentist or the dentist's representative may petition the BED to conditionally license a dentist to operate the dentist's office, or offices, until such time as the dentist may either recover or arrange for the disposal, transfer, or sale of the dental practice. A conditionally licensed dentist must meet all requirements for licensure in the territory except the requirement for residency and the Sixty (60) day application period. Conditional licensure will be for a period of One Hundred Eighty (180) days and may be renewed at the discretion of the Board. The total time allowed for conditional licensure shall not exceed Three Hundred Sixty (360) days.

§8108. Guidelines for the elective use of conscious sedation, deep sedation, and general anesthesia. (a) Definition of Terms. As used in this Chapter, the following terms have the following meanings:

(1) *Must* or *Shall* means an imperative need; mandatory'.

(2) *May* or *Could* means freedom or liberty to follow alternatives.

(3) *Should* means 'the recommended manner to obtain the standard; highly desirable'.

(4) *Conscious Sedation* means 'the use of pharmacological or non-pharmacological methods, or a combination thereof which results in a minimally depressed level of consciousness that retains the patient's ability to maintain a patent airway independently and continuously, and respond appropriately to physical stimulation or verbal command, e.g., open your eyes.

(5) *Deep Sedation* means 'the use of any drug, element or any other material which results in a controlled state of depressed consciousness or unconscious from which the patient is not easily aroused, which may be accompanied by a partial or complete loss of protective reflexes, including the ability to maintain a patent airway independently and respond purposefully to physical stimulation or verbal command'.

(6) *IV/IM Sedation* means the parenteral use of any drug, element or material to produce sedation, whether conscious or deep.

(7) *Oral or Rectal Sedation* means the oral or rectal use of any drug, element, or material to produce sedation, whether conscious or deep.

(8) *General Anesthesia* means 'the use of any drug, element, or any other material which results in a controlled state of unconsciousness accompanied by a loss of protective reflexes, including the ability to maintain an airway independently and to respond to physical stimulation or verbal command'

(9) *Analgesia* means a state of decreased sensibility to pain produced by using inhalation nitrous oxide and oxygen gases, with or without local anesthesia.

(b) Facilities and Equipment.

(1) **Facilities.** A dental practitioner who wishes to utilize any type of sedation medication or general anesthetic agents must have available the proper facilities, personnel, and equipment to manage any reasonably foreseeable emergency situation experienced by the patient.

(2) **Back-Up Emergency Services.**

(i) Back-up emergency services should be identified and in place.

(ii) For non-hospital facilities, an emergency-assist system should be established.

(3) Equipment.

(i) A positive pressure oxygen delivery system must be available that is capable of administering greater than Ninety Percent (90%) oxygen at a Five (5) liter per minute flow for at least Thirty (30) minutes. All equipment must be able to accommodate persons of all ages and sizes.

(ii) Equipment must be present which is appropriate for the technique being used and which will monitor the physiologic state of the patient.

(iii) An emergency cart or kit must be readily accessible. All emergency equipment and drugs are to be checked and maintained on a scheduled basis.

(c) Documentation.

(1) Proper documentation must be submitted for review along with the application permitting use of sedation and general anesthesia. The practitioner must document each sedation and general anesthesia procedure in the patient's chart. For deep sedation and

general anesthetic procedures, such documentation should include:

(i) Instructions to the patient or, if a minor, to the parent or legal guardian.

(ii) Dietary precautions

(iii) Vital statistics

(iv) Preoperative health evaluation which includes:

(A) Risk assessment (American Society of Anesthesiology)

(B) Health history

(C) Review of systems

(D) Vital signs

(v) Name and address of patient's physician

(vi)Rationale for sedation

(vii) Vital signs during treatment

(viii) Medications given

(ix) Post-treatment information

(d) Personnel Qualifications and Requirements.

(1) Conscious Sedation.

(i) In order to administer conscious sedation on an outpatient basis, a dentist must possess a permit of authorization issued by the BED. The permit must be renewed every Two (2) years. In order to receive such a permit, either new or renewal, the dentist must:

(A) Apply on prescribed application form to the BED and pay a non-refundable application fee of Twenty Dollars ($20).

(B) Produce evidence that he or she:

(1) Has a facility containing the following properly operating equipment: an emergency drug kit with no expired medications, positive pressure oxygen, stethoscope, suction (high volume evacuation), laryngoscope with tracheal tubes, a tracheotomy set up, oropharyngeal airways, and blood pressure

monitoring device. The facility must have an operating pulse oximiter.

(2) Maintains a staff of supervised personnel capable of handling procedures, complications and emergency incidents thereto. The dentist and at least One (1) staff member, present during the procedure, must be certified in basic cardiac life support (Cardio-Pulmonary Resuscitation) not less than once every Two (2) years.

(3) Holds a valid license to practice dentistry in Guam.

(4) Maintains a current permit to prescribe and administer controlled substances in Guam issued by the United States Drug Enforcement Administration (USDEA).

(C) Meet One (1) or more of the following criteria:

(1) Has participated in Board approved undergraduate, graduate, or post graduate education which should include Sixty (60) clock hours of training in basic conscious sedation, physical evaluation, management of medical emergencies, monitoring and the use of monitoring equipment and cardio-pulmonary resuscitation (CPR); or has utilized IV/IM sedation in at least Three (3) cases per month, or oral/rectal sedation in at least Six (6) cases per month, for the last Three (3) years;

(2) If a dental graduate within the past Three (3) years has completed the educational requirements, and has utilized IV/IM sedation in at least Three (3) cases per month or oral/rectal sedation in at least Six (6) cases per month for the last Three (3) years since licensure; or,

(3) Presented an alternate set of

qualifications acceptable to the BED.

(ii) The BED may conduct an on-site evaluation of the facility where the dentist shall successfully demonstrate the availability of all required equipment and personnel.

(iii) A dentist, certified under these rules to administer conscious sedation, may employ a nurse anesthetist to administer conscious sedation under the direct supervision of the dentist or may utilize a third person to monitor the physical status of the patient undergoing dental treatment.

(2) General Anesthesia and Deep Sedation.

(i) In order to administer general anesthesia by any means, or deep sedation by intravenous/intramuscular means, on an out-patient basis, a dentist must possess a permit of authorization issued by the BED. Such permit must be renewed every Two (2) years. In order to receive such a permit, either new or renewal, the dentist must:

(A) Apply on prescribed application form to the BED and pay a non- refundable application fee of Twenty Dollars ($20).

(B) Produce evidence that he or she:

(1) Has completed a minimum of One (1) year's advanced training in anesthesiology or related academic subjects; or has successfully completed an approved residency training program in oral and maxillofacial surgery; or is a diplomate of the American Board of Oral and Maxillofacial Surgery; or is a fellow or member of the American Association of Oral and Maxillofacial Surgeons; or is a fellow of the American Dental Society of Anesthesiology; or

(2) When administering general anesthesia, employs or works in conjunction with a licensed medical or osteopathic physician who is a member of the anesthesiology staff of a hospital in Guam and who will

remain on the premises of the dental facility until any patient given general anesthetic regains consciousness and is discharged. A third person not involved with the dental procedure must monitor the patient's vital signs during dental treatment.

(3) When administering deep sedation, employs or works in conjunction with a third person not involved with the dental procedure who will be present to monitor the patient's physical status during dental treatment.

(4) Holds a valid license to practice dentistry in Guam.

(5) Maintains a current permit to prescribe and administer controlled substances in Guam issued by the United States Drug Enforcement Administration (USDEA).

(6) Has a facility containing the following properly operating equipment: anesthesia or analgesia machine, emergency drugs, EKG monitor (recommended but not required), positive pressure oxygen, suction laryngoscope and blades, endotracheal tubes, Magill forceps, oral airways, stethoscope and blood pressure monitoring device.

(7) Has a supervised team of auxiliary personnel capable of handling procedures, problems, and emergency incidents, at least One (1) of whom is certified in basic cardio-pulmonary resuscitation (CPR) every Two (2) years.

(ii) A dentist certified under these rules and regulations to administer general anesthesia and deep sedation may employ a nurse anesthetist to administer general anesthesia and deep sedation under the direct supervision of the dentist.

(iii) Each dentist who has been approved by the

BED to use general anesthesia or deep sedation prior to the effective date of these rules shall make application on the prescribed form to the BED to continue to use and employ general anesthesia and deep sedation. If he or she meets the requirements of this item (2) of Subsection (d) of Chapter 8 of these rules and regulations, a permit will be issued.

(iv) The BED shall conduct an on-site evaluation of the facility where the dentist must successfully demonstrate the availability of equipment and personnel required. The BED may require the licensed dentist to demonstrate the administration of general anesthesia in Two (2) or more actual clinical cases in the presence of the evaluation team. The on-site evaluation team will be comprised of Two (2) dentists who are members of the BED or are its designees and will be done during the month of initial licensure and during the month of renewal of the certificate.

(3) Analgesia. In order to administer inhalation analgesia with Nitrous Oxide/Oxygen in the dental office, a dentist must possess a permit of authorization issued by the BED. The permit must be renewed every Two (2) years. In order to receive such a permit, either new or renewal, the dentist must:

(i) Apply on prescribed application form to the BED and pay a non-refundable application fee of Twenty Dollars ($20).

(ii) Produce evidence that he or she:

(A) Has a facility containing the following properly operating equipment: emergency drug kit, positive pressure oxygen, stethoscope, high-volume evacuation (suction), oropharyngeal airways, and blood pressure monitoring device.

(B) Maintains a staff of supervised personnel capable of handling procedures, complications, and emergency incidents. The dentist and at least One (1) staff member, present during the procedure, must be certified in basic cardiac life support (CPR) every Two (2) years.

(C) Holds a valid license to practice

dentistry in Guam.

(D) Utilizes an analgesia machine capable of delivering One Hundred Percent (100%) oxygen and capable of providing not less than Twenty Percent (20%) oxygen concentration. It is recommended that such equipment be provided with an alarm indicating oxygen flow of less than a Twenty Percent (20%) minimum or a fail safe mechanism to maintain oxygen flow at Twenty Percent (20%) or greater.

(E) Has successfully completed a minimum of Fourteen (14) hours instruction in the use of analgesia (relative analgesia, nitrous oxide-oxygen conscious sedation, inhalation analgesia etc.) or proof of use satisfactory to the Board of Nine (9) patients per month during the past year, or proof satisfactory to the Board of documented safe use of analgesia within the past year.

(e) **Reports of Adverse Occurrences.** If a mortality or other incident in a dental outpatient facility occurs as a direct result of the administration of general anesthesia, deep sedation or conscious sedation and causes a temporary or permanent physical or mental injury of the patient, or results in the calling of a paramedic unit or the transport of the patient to any hospital or emergency medical facility the dentist involved must submit a complete report of the incident to the BED within Ten (10) days of its occurrence.

(f) **Facility Inspection.** Facility inspection may be carried out by not less than Two (2) members of the BED or its designees at any time. Failure to comply with the requirements of the BED will result in an immediate suspension of the dentist's license to utilize sedation procedures until such time as the facility or dentist can once again prove compliance. Inspections may be conducted on a yearly basis or at the discretion of the Board.

§8109 Recommendations for preventing the transmission of diseases within the dental practice. (a) **Introduction.** Acquired Immunodeficiency Syndrome (AIDS) has emerged as a major threat to public health since cases were first reported in 1981. This disease, which is nearly always fatal, joins Hepatitis B, and now Tuberculosis, in requiring special and in many cases new sterilization procedures in the dental office. These are implemented as a preventive measure for the safety of the doctor and the doctor's staff and also to prevent the transmission of disease from One (1) patient to another.

(b) The BED requires that all dental offices comply with the infection control guidelines required by the Center for Disease Control (CDC), American Dental Association (ADA), and Occupational Safety and Hazard Administration (OSHA)

so that they will effectively prevent the transmission of AIDS, Hepatitis B, tuberculosis, and other communicable diseases.

(b) Patient Management.

(1) Each dentist is responsible for a current medical history and oral examination. Each patient must be questioned about current medications, illnesses and past medical history. Each patient must also be questioned about signs and symptoms of AIDS, AIDS related illnesses, Hepatitis B, and tuberculosis.

(2) Most patients with these diseases will not be identified before treatment. Therefore, appropriate infection precautions must be used at all times.

(3) The HIV antibody test result of any patient is confidential and must be treated as such. Frequently written consent must be given before such information may be released to anyone except the patient's personal physician and a limited number of other health care providers, including dentists.

(c) Professional Responsibility and Dental Personnel with HIV Infection.

(1) In the coming years, dental providers will be asked to treat an increasing number of patients with HIV infection or AIDS. The dental care system should respond to this need by ensuring that all high risk individuals have access to humane and competent care without discrimination.

(2) Dental providers who have HIV infection should pose no risk to patients if they carefully follow the infection control precautions as recommended by the Center for Disease Control and summarized here. Infected dental personnel should consult a knowledgeable physician or public health official in order to review the infection control procedures in their own practice setting and ensure that the control procedures are adequate.

(3) If there is an accident in which a dental provider who is believed to have HIV infection exposes the mucous membrane of a patient to blood from the dental provider, that provider should inform the patient of the exposure and suggest referral to a physician for advice regarding follow-up and testing. If the dental provider involved in such an incident is at high risk for HIV infection but has not been tested, the dental provider should be encouraged to be tested and inform the patient of the test result.

§8110.Dental Specialists. (a) License to Practice as a Specialist Required. A Guam licensed dentist may not hold him or herself out to the public as being especially qualified in a branch of dentistry by announcing through the press, sign, card, letterhead, printed matter, or any means of public advertising, using such terms as 'specialist' or inserting the name of the specialty, or using other phrases used by qualified specialists that would imply to the public that the dentist is so qualified, without first securing a specialist's license as provided in this Chapter.

The fact that any Guam licensed dentist shall announce by card, letterhead, or any other form of communication using such terms as 'Specialist', 'Practice Limited to...', 'Limited to Specialty of....', or shall use equivalent words or phrases to announce the same, shall be prima facie evidence that such dentist is holding him or herself out to the public as a specialist.

(b) General Provisions.

(1) Each license as a dental specialist shall be issued by the BED upon an applicant's proof of qualification and shall be in effect until September 30 of each odd numbered year.

(2) The fee for initial licensure as a dental specialist will be Twenty Dollars ($20).

(3) A dentist may not state or imply that he or she is a specialist in a field of dentistry unless the following Two (2) requirements are met:

(i) The area of dental practice is either One (1) of the Eight (8) areas recognized by the ADA as dental specialties or a bona fide certifying body recognized by the BED.

(ii) The dentist has met the ADA's educational standards for the specialty, is a diplomate of an ADA-recognized certifying Board, or is credentialed by a certifying body recognized by the BED.

(4) A dentist licensed as a dental specialist shall not provide general dental services to patients. The BED will be the sole judge as to what constitutes providing general dental services to patients.

(c) Requirements for Licensure.

(1) The Board may license a Guam licensed dentist as a dental specialist if the applicant presents proof satisfactory to the Board that the applicant is qualified by reason of the following:

(i) The dentist is a diplomate of or a fellow in a specialty Board recognized by the American Dental Association: or

(ii) The dentist has completed a post-graduate dental specialty training program approved by the Commission on Dental Accreditation of the American Dental Association.

(2) The applicant must submit notarized documents satisfactory to the Board, certified by the director of the training program, showing that the applicant successfully completed a course of study in a program approved by the ADA.

(3) The Board may require that an applicant for licensure as a dental specialist successfully complete a dental specialty examination consisting of either a clinical examination or a written examination or both.

(d) Renewal of Dental Specialty Licensure.

(1) Every license to practice as a dental specialist in Guam must be renewed by September 30 of each odd numbered year.

(2) A non-refundable fee of Twenty Dollars ($20) is required for license renewal.

(3) Any dental specialty license may be renewed within Five (5) years of the date of issuance if the holder thereof meets all of the requirements for renewal and pays to the BED the annual renewal fee due for each year that the license was not timely renewed.

(e) Penalty for Violation of the Provisions of Chapter 10. When the BED finds a dentist guilty of violating the requirements of this Chapter, the dentist will be subject to the penalties of Subsection (p) of Chapter 3 of these rules and regulations, as well as other applicable penalties.