

Massachusetts Board of Registration in Dentistry  
*Advisory Ruling on 234 CMR 4.11(3)*

**Title:** Licensure of applicants that have completed out-of-state CODA-accredited dental assisting programs.

**Authority:**

The Massachusetts Board of Registration in Dentistry issues this Advisory Ruling pursuant to Massachusetts General Laws, chapters 30A, § 8 and 112, §§ 43 & 51½ .

**Date Issued:**

**Purpose:**

Chapter 530 of the Acts of 2008, entitled “An Act to Improve, Promote and Protect the Oral Health of the Commonwealth”, was passed into law on January 15, 2009. Section 9 of Chapter 530 took effect on July 1, 2009 and is codified in M.G.L. Chapter 112, § 51½. The Board drafted amendments to 234 CMR 2.00, 4.00, 5.00, 8.00 and 9.00 to implement M.G.L. Chapter 112, § 51½, which require (1) any individual desiring to practice as a dental assistant to register with the Board, and (2) the Board to adopt rules and regulations consistent with Chapter 112, sections 43-53 inclusive, for the registration and practice of dental assistants to protect the health, safety, and welfare.

On September 17, 2014, the Board voted to promulgate its regulations relating to the registration and practice of dental assistants. Those regulations went into effect October 10, 2014.

The Board’s regulations at 234 CMR 4.11(3) provide how the educational or certification requirement may be met for licensure as a Certified Assistant (“CA”), Expanded Function Dental Assistant (“EFDA”) and Formally Trained Dental Assistant (“FTDA”), and provides at 4.11(3)(c) “[a]n original transcript including the date of graduation and degree granted from a CODA-accredited, Chapters 69- and 74-approved Program in dental assisting[.]” The term ‘Chapters 69- and 74-approved Programs’ means “a program that has obtained the approval, pursuant to M.G.L. c. 69 and c. 74, for specific secondary or vocational-technical programs by the Commissioner of the Massachusetts Department of Elementary and Secondary Education.” See 234 CMR 2.03. In reviewing applications for dental assistant licensure, the omission of CODA-accredited programs outside Massachusetts and New England has become apparent.

As background, in drafting the regulations the Board’s consideration of schools with dental assisting programs offered in higher education settings was limited to New England and its consideration of those dental assisting programs offered in secondary vocational or professional/occupational school settings was limited to Massachusetts. Any dental assistant program located outside Massachusetts or New England that would meet the educational requirement for dental assistant licensure was not expressly included.

The Board considered those schools of higher education in Massachusetts and New England, see 234 CMR 4.11(3)(b), that were approved by the Massachusetts Department of Higher Education (“DHE”) or the New England Association of Schools and Colleges (“NEASC”). The Board also considered those dental assisting programs offered in Massachusetts vocational technical schools approved by the Department of Elementary and Secondary Education (“DESE”) or occupational

schools approved by the Division of Professional Licensure (“DPL”), so long as those vocational-technical and occupational schools met the Board’s minimum educational requirements at 234 CMR 4.10. See CMR 4.11(3)(d).

The reasonable interpretation of 234 CMR 4.11(3)(c) is that the term ‘CODA-accredited’ modifies ‘Chapters 69- and 74-approved Program’, in which case there would be only one program, the Charles H. McCann Technical School in North Adams, that is currently recognized as having a CODA-accredited dental assisting program and is a Chapter 74-approved Program. If ‘CODA-accredited’ modifies ‘Chapters 69- and 74- approved Program’—and is not set forth as a separate, free-standing educational category—that would limit the Board’s recognition of CODA-accredited dental assisting programs to only those in Massachusetts.

There is no express requirement found at 234 CMR 4.11 that a degree from or otherwise completion of an out-of-state CODA-accredited dental assisting program would satisfy the educational requirement. This is not consistent with the Board’s acceptance of educational degrees from CODA-accredited dental and dental hygiene programs regardless of where located. See M.G.L. c. 112, §§45 and 52; see also 234 CMR 4.03(3), 4.04(3), 4.07(3) and 4.08(3).

**Advisory Ruling:**

The Board will accept in fulfillment of 234 CMR 4.11(3), an original transcript including the date of graduation and degree granted from a CODA-accredited dental assisting program.