

### State Medical & Dental Scope of Practice

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
AL	Section §34-24-50	<p>"Practice of medicine or osteopathy" defined.</p> <p>The "practice of medicine or osteopathy" means:</p> <p>(1) To diagnose, treat, correct, advise, or prescribe for any human disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real or imaginary, by any means or instrumentality;</p> <p>(2) To maintain an office or place of business for the purpose of doing acts described in subdivision (1), whether for compensation or not;</p> <p>(3) To use, in the conduct of any occupation or profession pertaining to the diagnosis or treatment of human disease or conditions, the designation "doctor," "doctor of medicine," "doctor of osteopathy," "physician," "surgeon," "physician and surgeon," "Dr.," "M.D.," or any combination thereof unless such a designation additionally contains the description of another branch of the healing arts for which a person has a license.</p>	Section §34-9-6	<p><i>Practice of Dentistry.</i> (1) Performs, or attempts or professes to perform, any dental operation or dental service of any kind, gratuitously or for a salary, fee, money or other remuneration paid, or to be paid, directly or indirectly, to himself or herself, or to any person in his or her behalf, or to any agency which is a proprietor of a place where dental operations or dental services are performed.</p> <p>(2) Directly or indirectly, by any means or method, makes impression of the human tooth, teeth, jaws or adjacent tissue, or performs any phase of any operation incident to the replacement of a tooth or any part thereof.</p> <p>(3) Supplies artificial substitutes for the natural teeth, and who furnishes, supplies, constructs, reproduces, or repairs any prosthesis (fixed or removable), appliance, or any other structure to be worn in the human mouth.</p> <p>(4) Places such appliance or structure in the human mouth, or adjusts, attempts, or professes to adjust the same, or delivers the same to any person other than the dentist upon whose prescription the work was performed.</p> <p>(5) Professes to the public by any method to furnish, supply, construct, reproduce, or repair any prosthesis (fixed or removable), appliance, or other structure to be worn in the human mouth, or who diagnoses, or professes to diagnose, prescribe for, professes to prescribe for, treats or professes to treat disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure, or who extracts or attempts to extract human teeth, or remove tumors, abnormal growths, or other lesions from the human gums, jaws, and adjacent structures, or who operates for cleft lip or palate, or both; or who treats surgically or mechanically fractures of the human jaw; or who administers local or general anesthetics in the treatment of any dental lesion.</p>	<p style="text-align: center;">No.</p> <p>The Alabama Statute allows a dentist to ONLY “diagnose, prescribe for, professes to prescribe for, treats or professes to treat disease, pain, deformity, deficiency, injury, or physical condition <i>of the human teeth or jaws, or adjacent structure</i>, or who extracts or attempts to extract human teeth, or remove tumors, abnormal growths, or other lesions <i>from the human gums, jaws, and adjacent structures</i>, or who operates for cleft lip or palate, or both; or who treats surgically or mechanically fractures of the human jaw; or who administers local or general anesthetics in the treatment of any dental lesion.”</p> <p>In addition, the language states that a dentist can only perform a procedure that “performs any clinical operation included in the curricula of recognized dental colleges....”</p> <p>Dental school curriculum <i>does not</i> include didactic instruction on upper airway obstruction and the pathophysiology of OSA and its indications for treatment.</p>

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				<p>(6) Repairs or fills cavities in the human teeth.</p> <p>(7) Uses a roentgen, radiograph, or digital imaging machine for the purpose of making dental roentgenograms, radiographs, or digital images, or who gives, or professes to give, interpretations or readings of dental roentgenograms, radiographs, or digital images, or radiographic or roentgen therapy.</p> <p>(8) Administers an anesthetic of any nature in connection with a dental procedure.</p> <p>(9) Uses the words "dentist," "dental surgeon," "oral surgeon," or the letters "D.D.S.," "D.M.D." or any other words, letters, title, or descriptive matter which in any way represents him or her as being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of the teeth or jaws, or adjacent structures.</p> <p>(10) States, or professes, or permits to be stated or professed by any means or method whatsoever that he or she can perform or will attempt to perform dental procedures, or render a diagnosis connected therewith.</p> <p>(11) Performs any clinical operation included in the curricula of recognized dental colleges; provided, that members of the faculty, teachers, instructors, fellows, interns, residents, dental students, and student dental hygienists who are employed by or who are taking courses or instructions at the University of Alabama School of Dentistry or such other dental colleges, hospitals, or institutions in Alabama, as may be approved by the board; and provided, that the work of fellows, interns, residents, dental students, and student dental hygienists is performed within the facilities of such dental colleges, hospitals, and institutions under the supervision of an instructor and as an adjunct to his or her course of study or training, shall not be required to take examination or obtain a</p>	

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				<p>license certificate and renewal license certificate when all of such work, dental procedures, and activities are confined to his or her work in the college, hospital, or other institution and the work is done without remuneration other than the regular salary or compensation paid by such colleges, hospitals, or other institutions.</p> <p>(12) Professes to the public by any method to bleach human teeth, performs bleaching of the human teeth alone or within his or her business, or instructs the public within his or her business, or through any agent or employee of his or her business.</p>	
<b>AK</b>	Sec. 08.64.380	<p>(5) “practice of medicine” or “practice of osteopathy” means:</p> <p>(A) for a fee, donation or other consideration, to diagnose, treat, operate on, prescribe for, or administer to, any human ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other mental or physical condition; or to attempt to perform or represent that a person is authorized to perform any of the acts set out in this subparagraph;</p> <p>(B) to use or publicly display a title in connection with a person’s name including “doctor of medicine,” “physician,” “M.D.,” or “doctor of osteopathic medicine” or “D.O.” or a specialist designation including “surgeon,” “dermatologist,” or a similar title in such a manner as to show that the person is willing or qualified to diagnose or treat the sick or injured;</p>	Sec. 08.36.360	<p><i>Practice of dentistry defined.</i> A person engages in the practice of dentistry who</p> <p>(1) performs or holds out to the public as being able to perform dental operations;</p> <p>(2) diagnoses, treats, operates on, corrects, attempts to correct, or prescribes for a disease, lesion, pain, injury, deficiency, deformity, or physical condition, malocclusion or malposition of the human teeth, alveolar process, gingiva, maxilla, mandible, or adjacent tissues;</p> <p>(3) performs or attempts to perform an operation incident to the replacement of teeth;</p> <p>(4) furnishes, supplies, constructs, reproduces, or repairs dentures, bridges, appliances or other structures to be used and worn as substitutes for natural teeth, except on prescription of a duly licensed and registered dentist and by the use of impressions or casts made by a duly licensed and registered dentist;</p> <p>(5) uses the words “dentist” or “dental surgeon” or the letters “D.D.S.” or “D.M.D.” or other letter or title that represents the dentist as engaging in the practice of dentistry;</p> <p>(6) extracts or attempts to extract human teeth;</p> <p>(7) exercises control over professional dental matters or the operation of dental equipment in a facility where the acts and things described in this section are performed or done;</p>	<p style="text-align: center;">No.</p> <p>The statute allows a dentist to “diagnoses, treats, operates on, corrects, attempts to correct, or prescribes for a disease, lesion, pain, injury, deficiency, deformity, or physical condition, malocclusion or malposition of <i>the human teeth, alveolar process, gingiva, maxilla, mandible, or adjacent tissues</i></p> <p>Also, the language further states that “a dentist whose practice includes the services described in this paragraph may <i>only perform the services if they are within the scope of the dentist’s education, training, and experience and in accord with the generally recognized ethical precepts of the dental profession</i>; nothing in this paragraph requires a person licensed under AS 08.64 to be licensed under this chapter.”</p> <p>Dentist education, training, and experience <i>does not</i> include didactic instruction on upper airway obstruction and the pathophysiology of OSA and its indications for treatment.</p>

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				(8) evaluates, diagnoses, treats, or performs preventive procedures related to diseases, disorders, or conditions of the oral cavity, maxillofacial area, or adjacent and associated structures; a dentist whose practice includes the services described in this paragraph may only perform the services if they are within the scope of the dentist’s education, training, and experience and in accord with the generally recognized ethical precepts of the dental profession; nothing in this paragraph requires a person licensed under AS 08.64 to be licensed under this chapter.	
<b>AZ</b>	ARS: 32 – 1401	"Practice of medicine" means the diagnosis, the treatment or the correction of or the attempt or the claim to be able to diagnose, treat or correct any and all human diseases, injuries, ailments, infirmities, deformities, physical or mental, real or imaginary, by any means, methods, devices or instrumentalities, except as the same may be among the acts or persons not affected by this chapter. The practice of medicine includes the practice of medicine alone or the practice of surgery alone, or both.	ARS – 32-1202	<i>Scope of practice; practice of dentistry</i> For the purposes of this chapter, the practice of dentistry is the diagnosis, surgical or nonsurgical treatment and performance of related adjunctive procedures for any disease, pain, deformity, deficiency, injury or physical condition of the human tooth or teeth, alveolar process, gums, lips, cheek, jaws, oral cavity and associated tissues, including the removal of stains, discolorations and concretions.	No.  The statute states that a dentist can ONLY perform procedures related to the human tooth or teeth, alveolar process, gums, lips, cheek, jaws, oral cavity and associated tissues.
<b>AR</b>	A.C.A. § 17-95-202	"Practice of medicine" means: (A) Holding out one's self to the public within this state as being able to diagnose, treat, prescribe for, palliate, or prevent any human disease, ailment, injury, deformity, or physical or mental condition, whether by the use of drugs, surgery, manipulation, electricity, or any physical, mechanical, or other means whatsoever;  (B) Suggesting, recommending, prescribing, or administering any form of treatment, operation, or healing for the intended palliation, relief, or cure of any physical or mental disease, ailment, injury, condition, or defect of any person with the intention of receiving, either directly or indirectly, any fee,	A.C.A. § 17-82-102	(1)(A) "Practicing dentistry" means: (i) The evaluation, diagnosis, prevention and treatment by nonsurgical, surgical or related procedures of diseases, disorders and conditions of the oral cavity, maxillofacial area and the adjacent and associated structures and their impact on the human body, but not for the purpose of treating diseases, disorders and conditions unrelated to the oral cavity, maxillofacial area and the adjacent and associated structures; and (ii) The sale or offer for sale of those articles or services of dentistry enumerated in §17-82-105(a).  (B) "Practicing dentistry" shall include, but not be limited to, the administration of anesthetics for the purpose of or in connection with the performance of any of the acts, services,	No.  The statute states that a dentist may provide " <i>The evaluation, diagnosis, prevention and treatment by nonsurgical, surgical or related procedures of diseases, disorders and conditions of the oral cavity, maxillofacial area</i> and the adjacent and associated structures and their impact on the human body, <i>but not for the purpose of treating diseases, disorders and conditions unrelated to the oral cavity, maxillofacial area and the adjacent and associated structures</i> "  The diagnosis of OSA <b>cannot</b> be determined by solely examining the oral cavity and must undergo further testing by a physician.

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		<p>gift, or compensation whatsoever;</p> <p>(C) Maintaining an office or other place to meet persons for the purpose of examining or treating persons afflicted with disease, injury, or defect of body or mind;</p> <p>(D) Using the title "M.D.", "M.B.", "D.O.", "physician", "surgeon", or any other word or abbreviation to indicate or induce others to believe that one is engaged in the diagnosis or treatment of persons afflicted with disease, injury, or defect of body or mind, except as otherwise expressly permitted by the laws of this state relating to the practice of any limited field of the healing arts;</p> <p>(E) Performing any kind of surgical operation upon a human being; or</p> <p>(F) Delegating certain medical practices to other personnel under rules adopted by the board</p>		or practices enumerated or described in this section.	
CA	Section 2080-2099	<p>2080. (a) Except as otherwise provided, the provisions of this article applicable to applications generally shall apply to all certificates issued.</p> <p>(b) Every applicant for a physician's and surgeon's certificate shall comply with the requirements of this article unless other specific requirements of this chapter are applicable to a particular class of applicant.</p> <p>2081. Each application shall be made upon a form provided by the Division of Licensing, and each application form shall contain a legal verification to be signed by the applicant verifying under penalty of perjury that the information provided by the applicant is true and correct and that any information in</p>	Section 1625-1636.6	<p>1625. Dentistry is the diagnosis or treatment, by surgery or other method, of diseases and lesions and the correction of malpositions of the human teeth, alveolar process, gums, jaws, or associated structures; and such diagnosis or treatment may include all necessary related procedures as well as the use of drugs, anesthetic agents, and physical evaluation. Without limiting the foregoing, a person practices dentistry within the meaning of this chapter who does any one or more of the following:</p> <p>(a) By card, circular, pamphlet, newspaper or in any other way advertises himself or represents himself to be a dentist.</p> <p>(b) Performs, or offers to perform, an operation or diagnosis of any kind, or treats diseases or lesions of the human teeth, alveolar process, gums, jaws, or associated structures, or corrects malposed positions thereof.</p>	<p style="text-align: center;">No.</p> <p>The definition of the Act's "practice of dentistry" allows the dentist to perform typical dental procedures but also includes a phrase that a dentist can diagnose and treat "all necessary related procedures as well as the use of drugs, anesthetic agents, and physical evaluation."</p> <p>However, the language <b>does not</b> contain any language which would allow a dentist to order, interpret, or diagnose for OSA.</p>

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		<p>supporting documents provided by the applicant is true and correct.</p> <p>2082. Each application shall include the following:</p> <p>(a) A diploma issued by an approved medical school. The requirements of the school shall have been at the time of granting the diploma in no degree less than those required under this chapter or by any preceding medical practice act at the time that the diploma was granted. In lieu of a diploma, the applicant may submit evidence satisfactory to the Division of Licensing of having possessed the same.</p> <p>(b) An official transcript or other official evidence satisfactory to the division showing each approved medical school in which a resident course of professional instruction was pursued covering the minimum requirements for certification as a physician and surgeon, and that a diploma and degree were granted by the school.</p> <p>(c) Other information concerning the professional instruction and preliminary education of the applicant as the division may require.</p> <p>(d) An affidavit showing to the satisfaction of the division that the applicant is the person named in each diploma and transcript that he or she submits, that he or she is the lawful holder thereof, and that the diploma or transcript was procured in the regular course of professional instruction and examination without fraud or misrepresentation.</p> <p>(e) Either fingerprint cards or a copy of a completed Live Scan form from the applicant in order to establish the identity of the applicant and in order to determine whether the applicant has a record of any criminal convictions in this state or in any other jurisdiction, including foreign countries. The information obtained as a result of the fingerprinting of the applicant shall be used in accordance</p>		<p>(c) In any way indicates that he will perform by himself or his agents or servants any operation upon the human teeth, alveolar process, gums, jaws, or associated structures, or in any way indicates that he will construct, alter, repair, or sell any bridge, crown, denture or other prosthetic appliance or orthodontic appliance.</p> <p>(d) Makes, or offers to make, an examination of, with the intent to perform or cause to be performed any operation on the human teeth, alveolar process, gums, jaws, or associated structures.</p> <p>(e) Manages or conducts as manager, proprietor, conductor, lessor, or otherwise, a place where dental operations are performed.</p> <p>1626. It is unlawful for any person to engage in the practice of dentistry in the state, either privately or as an employee of a governmental agency or political subdivision, unless the person has a valid, unexpired license or special permit from the board.</p> <p>The following practices, acts and operations, however, are exempt from the operation of this chapter:</p> <p>(a) The practice of oral surgery by a physician and surgeon licensed under the Medical Practice Act.</p> <p>(b) The operations, in dental schools approved by the board, of bona fide students of dentistry or dental hygiene in the school's clinical departments or laboratories or in a dental extension program approved by the board or in an advanced dental education program accredited by the Commission on Dental Accreditation of the American Dental Association or a national accrediting body approved by the board.</p> <p>(c) The practice of dentistry by licensed dentists of other states or countries while appearing and operating as bona fide clinicians or instructors in dental colleges approved by the Dental Board of California.</p> <p>(d) The practice of dentistry by licensed dentists of other states or countries in conducting or making a clinical demonstration before any bona fide dental or medical society,</p>	

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		<p>with Section 11105 of the Penal Code, and to determine whether the applicant is subject to denial of licensure under the provisions of Division 1.5 (commencing with Section 475) and Section 2221.</p> <p>2083. (a) Except as provided in subdivision (b), each application for a certificate shall be accompanied by the fee required by this chapter and shall be filed with the Division of Licensing.</p> <p>(b) The license fee shall be waived for a physician and surgeon residing in California who certifies to the Medical Board of California that the issuance of the license or the renewal of the license is for the sole purpose of providing voluntary, unpaid service.</p> <p>2084. The Division of Licensing may approve every school which substantially complies with the requirements of this chapter for resident courses of professional instruction. Graduates of medical schools approved under this section shall be deemed to meet the requirements of Section 2089. Medical schools accredited by a national accrediting agency approved by the division and recognized by the United States Department of Education shall be deemed approved by the division under this section. Nothing in this chapter prohibits the division from considering the quality of the resident courses of professional instruction required for certification as a physician and surgeon.</p> <p>2085. (a) Notwithstanding Section 2084, a graduate of an approved medical school located in the United States or Canada who has graduated from a special medical school program that does not substantially meet the requirements of Section 2089 with respect to any aspect of curriculum length or content may be approved by the Division of Licensing if the division</p>		<p>association, or convention; provided, however, the consent of the Dental Board of California to the making and conducting of the clinical demonstration shall be first had and obtained.</p> <p>(e) The construction, making, verification of shade taking, alteration or repairing of bridges, crowns, dentures, or other prosthetic appliances, or orthodontic appliances, when the casts or impressions for this work have been made or taken by a licensed dentist, but a written authorization signed by a licensed dentist shall accompany the order for the work or it shall be performed in the office of a licensed dentist under his or her supervision. The burden of proving written authorization or direct supervision is upon the person charged with the violation of this chapter.</p>	

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		<p>determines that the applicant has otherwise received adequate instruction in the subjects listed in subdivision (b) of Section 2089.</p> <p>"Adequate instruction" means the applicant has received instruction adequate to prepare the applicant to engage in the practice of medicine in the United States. This definition applies to the sufficiency of instruction of the following courses:</p> <ul style="list-style-type: none"> <li>(1) Anatomy, including gross anatomy, embryology, histology, and neuroanatomy.</li> <li>(2) Bacteriology and immunology.</li> <li>(3) Biochemistry.</li> <li>(4) Pathology.</li> <li>(5) Pharmacology.</li> <li>(6) Physiology.</li> </ul> <p>The division may require an applicant under this section to undertake additional education to bring up to standard, instruction in the subjects listed in subdivision (b) of Section 2089 as a condition of issuing a physician and surgeon's certificate. In approving an applicant under this section, the division may take into account the applicant's total relevant academic experience, including performance on standardized national examinations.</p> <p>(b) (1) Notwithstanding subdivision (a) or Sections 2084 and 2089, an applicant who is a graduate of an approved medical school located in the United States or Canada who has graduated from a special medical school program that does not substantially meet the requirements of Section 2089 with respect to any aspect of curriculum length or content shall be presumed to meet the requirements of Sections 2084 and 2089 if the special medical school program has been reviewed and approved by a national accrediting agency approved by the division and recognized by the United States Department of</p>			



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		<p>Education.</p> <p>(2) This presumption may be overcome upon a finding by the division that the medical education received by the applicant is not the educational equivalent of the medical education received by graduates of medical schools approved pursuant to subdivision (a) or Section 2084. In making its finding, the division shall consider, at a minimum, the applicant's total academic and medical training experience prior to, and following, as well as during, medical school, the applicant's performance on standardized national examinations, including the National Board Examinations, the applicant's achievements as a house staff officer, and the number of years of postgraduate medical training completed by the applicant.</p> <p>(3) An applicant under this subdivision who (A) has satisfactorily completed at least two years of postgraduate clinical training approved by the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association and whose postgraduate training has included at least one year of clinical contact with patients and (B) has achieved a passing score on the written examination required for licensure, satisfies the requirements of Sections 2084 and 2089. For purposes of this subdivision, an applicant who has satisfactorily completed at least two years of approved postgraduate clinical training on or before July 1, 1987, shall not be required to have at least one year of clinical contact with patients.</p> <p>(4) Applicants under this subdivision who apply after satisfactorily completing one year of approved postgraduate training shall have their applications reviewed by the division and shall be informed by the division either that satisfactory completion of a</p>			

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		<p>second year of approved postgraduate training will result in their being deemed to meet the requirements of Sections 2084 and 2089, or informed of any deficiencies in their qualifications or documentation and the specific remediation, if any, required by the division to meet the requirements of Sections 2084 and 2089. Upon satisfactory completion of the specified remediation, the division shall promptly issue a license to the applicant.</p> <p>2086. The Division of Licensing may utilize medical consultants and investigators employed by the board pursuant to Section 2020 to evaluate the curricula of medical schools. A medical consultant or investigator shall meet such reasonable standards of experience and education, to be determined by the division, as will enable him or her to competently perform such duties of evaluation.</p> <p>2087. If any medical school is not approved by the Division of Licensing or any applicant for licensure is rejected by it, then the school or the applicant may commence an action in the superior court as provided in Section 2019 against the division to compel it to approve the school or to issue the applicant a certificate or for any other appropriate relief. If the applicant is denied a certificate on the grounds of unprofessional conduct, the provisions of Article 12 (commencing with Section 2220) shall apply. In such an action the court shall proceed under Section 1094.5 of the Code of Civil Procedure, except that the court may not exercise an independent judgment on the evidence. The action shall be speedily determined by the court and shall take precedence over all matters pending therein except criminal cases, applications for injunction, or other matters to which special precedence may be given by law.</p>			

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		<p>2088. (a) An applicant for a physician's and surgeon's license who is otherwise eligible for that license but is unable to practice some aspects of medicine safely due to a disability may receive a limited license if he or she does both of the following:</p> <ul style="list-style-type: none"> <li>(1) Pays the initial license fee.</li> <li>(2) Signs an agreement on a form prescribed by the board in which the applicant agrees to limit his or her practice in the manner prescribed by the reviewing physician and agreed to by the board.</li> </ul> <p>(b) The board may require the applicant described in subdivision</p> <ul style="list-style-type: none"> <li>(a) to obtain an independent clinical evaluation of his or her ability to practice medicine safely as a condition of receiving a limited license under this section.</li> <li>(c) Any person who knowingly provides false information in the agreement submitted pursuant to subdivision (a) shall be subject to any sanctions available to the board.</li> </ul> <p>2089. (a) Each applicant for a physician's and surgeon's certificate shall show by official transcript or other official evidence satisfactory to the Division of Licensing that he or she has successfully completed a medical curriculum extending over a period of at least four academic years, or 32 months of actual instruction, in a medical school or schools located in the United States or Canada approved by the division, or in a medical school or schools located outside the United States or Canada which otherwise meets the requirements of this section. The total number of hours of all courses shall consist of a minimum of 4,000 hours. At least 80 percent of</p>			

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		<p>actual attendance shall be required. If an applicant has matriculated in more than one medical school, the applicant must have matriculated in the medical school awarding the degree of doctor of medicine or its equivalent for at least the last full academic year of medical education received prior to the granting of the degree.</p> <p>(b) The curriculum for all applicants shall provide for adequate instruction in the following subjects:</p> <ul style="list-style-type: none"> <li>Alcoholism and other chemical substance dependency, detection and treatment.</li> <li>Anatomy, including embryology, histology, and neuroanatomy.</li> <li>Anesthesia.</li> <li>Biochemistry.</li> <li>Child abuse detection and treatment.</li> <li>Dermatology.</li> <li>Geriatric medicine.</li> <li>Human sexuality.</li> <li>Medicine, including pediatrics.</li> <li>Neurology.</li> <li>Obstetrics and gynecology.</li> <li>Ophthalmology.</li> <li>Otolaryngology.</li> <li>Pain management and end-of-life care.</li> <li>Pathology, bacteriology, and immunology.</li> <li>Pharmacology.</li> <li>Physical medicine.</li> <li>Physiology.</li> <li>Preventive medicine, including nutrition.</li> <li>Psychiatry.</li> <li>Radiology, including radiation safety.</li> <li>Spousal or partner abuse detection and treatment.</li> <li>Surgery, including orthopedic surgery.</li> <li>Therapeutics.</li> <li>Tropical medicine.</li> <li>Urology.</li> </ul>			

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		<p>(c) The requirement that an applicant successfully complete a medical curriculum that provides instruction in pain management and end-of-life care shall only apply to a person entering medical school on or after June 1, 2000.</p> <p>2089.5. (a) Clinical instruction in the subjects listed in subdivision (b) of Section 2089 shall meet the requirements of this section and shall be considered adequate if the requirements of subdivision (a) of Section 2089 and the requirements of this section are satisfied.</p> <p>(b) Instruction in the clinical courses shall total a minimum of 72 weeks in length.</p> <p>(c) Instruction in the core clinical courses of surgery, medicine, family medicine, pediatrics, obstetrics and gynecology, and psychiatry shall total a minimum of 40 weeks in length with a minimum of eight weeks instruction in surgery, eight weeks in medicine, six weeks in pediatrics, six weeks in obstetrics and gynecology, a minimum of four weeks in family medicine, and four weeks in psychiatry.</p> <p>(d) Of the instruction required by subdivision (b), including all of the instruction required by subdivision (c), 54 weeks shall be performed in a hospital that sponsors the instruction and shall meet one of the following:</p> <p>(1) Is a formal part of the medical school or school of osteopathic medicine.</p> <p>(2) Has a residency program, approved by the Accreditation Council for Graduate Medical Education (ACGME) or the Royal College of Physicians and Surgeons of Canada (RCPSC), in family practice or in the clinical area of the instruction for which credit is being sought.</p> <p>(3) Is formally affiliated with an approved medical school or school of osteopathic medicine located in</p>			

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<b>State</b>	<b>State Medical Law Citation</b>	<b>State Medical Scope of Practice</b>	<b>State Dental Law Citation</b>	<b>State Dental Scope of Practice</b>	<b>Comments</b>  <b>Does the Statute allow a DDS to diagnose and treat a patient with OSA?</b>
		<p>the United States or Canada. If the affiliation is limited in nature, credit shall be given only in the subject areas covered by the affiliation agreement.</p> <p>(4) Is formally affiliated with a medical school or a school of osteopathic medicine located outside the United States or Canada.</p> <p>(e) If the institution, specified in subdivision (d), is formally affiliated with a medical school or a school of osteopathic medicine located outside the United States or Canada, it shall meet the following:</p> <p>(1) The formal affiliation shall be documented by a written contract detailing the relationship between the medical school, or a school of osteopathic medicine, and hospital and the responsibilities of each.</p> <p>(2) The school and hospital shall provide to the board a description of the clinical program. The description shall be in sufficient detail to enable the board to determine whether or not the program provides students an adequate medical education. The board shall approve the program if it determines that the program provides an adequate medical education. If the board does not approve the program, it shall provide its reasons for disapproval to the school and hospital in writing specifying its findings about each aspect of the program that it considers to be deficient and the changes required to obtain approval.</p> <p>(3) The hospital, if located in the United States, shall be accredited by the Joint Commission on Accreditation of Hospitals, and if located in another country, shall be accredited in accordance with the law of that country.</p> <p>(4) The clinical instruction shall be supervised by a full-time director of medical education, and the head of the department for each core clinical course shall hold a full-time faculty appointment of the medical school or school of osteopathic medicine and shall be</p>			

**State Medical & Dental Scope of Practice**

<b>State</b>	<b>State Medical Law Citation</b>	<b>State Medical Scope of Practice</b>	<b>State Dental Law Citation</b>	<b>State Dental Scope of Practice</b>	<b>Comments</b>  <b>Does the Statute allow a DDS to diagnose and treat a patient with OSA?</b>
		<p>board certified or eligible, or have an equivalent credential in that specialty area appropriate to the country in which the hospital is located.</p> <p>(5) The clinical instruction shall be conducted pursuant to a written program of instruction provided by the school.</p> <p>(6) The school shall supervise the implementation of the program on a regular basis, documenting the level and extent of its supervision.</p> <p>(7) The hospital-based faculty shall evaluate each student on a regular basis and shall document the completion of each aspect of the program for each student.</p> <p>(8) The hospital shall ensure a minimum daily census adequate to meet the instructional needs of the number of students enrolled in each course area of clinical instruction, but not less than 15 patients in each course area of clinical instruction.</p> <p>(9) The board, in reviewing the application of a foreign medical graduate, may require the applicant to submit a description of the clinical program, if the board has not previously approved the program, and may require the applicant to submit documentation to demonstrate that the applicant's clinical training met the requirements of this subdivision.</p> <p>(10) The medical school or school of osteopathic medicine shall bear the reasonable cost of any site inspection by the board or its agents necessary to determine whether the clinical program offered is in compliance with this subdivision.</p> <p>2089.7. (a) The requirement of four weeks of clinical course instruction in family medicine shall apply only to those applicants for licensure who graduate from medical school or a school of osteopathic medicine after May 1, 1998.</p> <p>(b) This section shall become operative on June 30,</p>			

**State Medical & Dental Scope of Practice**

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments <b>Does the Statute allow a DDS to diagnose and treat a patient with OSA?</b>
		1999.			
<b>CO</b>	§ 12-36-106.	<p><i>Practice of medicine defined.</i> (1) For the purpose of this article, “practice of medicine” means:</p> <p>(a) Holding out one's self to the public within this state as being able to diagnose, treat, prescribe for, palliate, or prevent any human disease, ailment, pain, injury, deformity, or physical or mental condition, whether by the use of drugs, surgery, manipulation, electricity, telemedicine, the interpretation of tests, including primary diagnosis of pathology specimens, images, or photographs, or any physical, mechanical, or other means whatsoever;</p> <p>(b) Suggesting, recommending, prescribing, or administering any form of treatment, operation, or healing for the intended palliation, relief, or cure of any physical or mental disease, ailment, injury, condition, or defect of any person;</p> <p>(c) The maintenance of an office or other place for the purpose of examining or treating persons afflicted with disease, injury, or defect of body or mind;</p> <p>(d) Using the title M.D., D.O., physician, surgeon, or any word or abbreviation to indicate or induce others to believe that one is licensed to practice medicine in this state and engaged in the diagnosis or treatment of persons afflicted with disease, injury, or defect of body or mind, except as otherwise expressly permitted by the laws of this state enacted relating to the practice of any limited field of the healing arts;</p> <p>(e) Performing any kind of surgical operation upon a human being; or</p> <p>(f) The practice of midwifery, except:</p> <p>(I) Services rendered by certified nurse-midwives properly licensed and practicing in accordance with the provisions of article 38 of this title; or</p> <p>(g) The delivery of telemedicine. Nothing in this paragraph (g) authorizes physicians to deliver</p>	§ 12-35-103	(5) "Dentistry" means the evaluation, diagnosis, prevention, or treatment, including nonsurgical, surgical, or related procedures, of diseases, disorders, or conditions of the oral cavity, maxillofacial area, or the adjacent and associated structures and the impact of the disease, disorder, or condition on the human body so long as a dentist is practicing within the scope of his or her education, training, and experience and in accordance with applicable law.	<p align="center">No.</p> <p>The statute states that a dentist can perform typical dental procedures and adjacent and associated structures and the impact of the disease, disorder, or condition on the human body <i>so long as a dentist is practicing within the scope of his or her education, training, and experience and in accordance with applicable law.</i></p> <p>However, a dentist’s education, training, and experience <i>does not</i> include didactic instruction on upper airway obstruction and the pathophysiology of OSA and its indications for treatment.</p>



## State Medical & Dental Scope of Practice

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
		services outside their scope of practice or limits the delivery of health services by other licensed professionals, within the professional's scope of practice, using advanced technology, including, but not limited to, interactive audio, interactive video, or interactive data communication.			
CT	CHAPTER 370: 20-9	<p>Sec. 20-9. Who may practice medicine or surgery. (a) No person shall, for compensation, gain or reward, received or expected, diagnose, treat, operate for or prescribe for any injury, deformity, ailment or disease, actual or imaginary, of another person, nor practice surgery, until he has obtained such a license as provided in section 20-10, and then only in the kind or branch of practice stated in such license.</p> <p>(b) The provisions of this chapter shall not apply to:</p> <p>(1) Dentists while practicing dentistry only;</p> <p>(2) Any person in the employ of the United States government while acting in the scope of his employment;</p> <p>(3) Any person who furnishes medical or surgical assistance in cases of sudden emergency;</p>	Chapter 379: Sec. 20-123	<p>Scope of practice of dentistry. Activities restricted to licensed dentists. Extended scope of practice for graduates of post-doctoral dental training programs. Penalties. Exceptions.</p> <p>(a) No person shall engage in the practice of dentistry unless he or she is licensed pursuant to the provisions of this chapter. The practice of dentistry or dental medicine is defined as the diagnosis, evaluation, prevention or treatment by surgical or other means, of an injury, deformity, disease or condition of the oral cavity or its contents, or the jaws or the associated structures of the jaws. The practice of dentistry does not include: (1) The treatment of dermatologic diseases or disorders of the skin or face; (2) the performance of microvascular free tissue transfer; (3) the treatment of diseases or disorders of the eye; (4) ocular procedures; (5) the performance of cosmetic surgery or other cosmetic procedures other than those related to the oral cavity, its contents, or the jaws; or (6) nasal or sinus surgery, other than that related to the oral cavity, its contents or the jaws.</p> <p>(b) No person other than a person licensed to practice dentistry under this chapter shall:</p> <p>(1) Describe himself or herself by the word "Dentist" or letters "D.D.S." or "D.M.D.", or in other words, letters or title in connection with his or her name which in any way represents such person as engaged in the practice of dentistry;</p> <p>(2) Own or carry on a dental practice or business;</p> <p>(3) Replace lost teeth by artificial ones, or attempt to diagnose</p>	<p style="text-align: center;">No.</p> <p>Although the statute does allow a dentist who has completed a postdoctoral training program, in the specialty area of dentistry in which such person practices, provided the dentist has been granted hospital privileges to perform surgical treatment of sleep apnea involving the jaws – <b>However, the qualifications listed would require this individual to have a doctorate of dental surgery.</b></p> <p>The statute does not contain any language which would allow a dentist to diagnose or treat OSA.</p>

### State Medical & Dental Scope of Practice

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
				<p>or correct malpositioned teeth;</p> <p>(4) Directly or indirectly, by any means or method, furnish, supply, construct, reproduce or repair any prosthetic denture, bridge, appliance or any other structure to be worn in a person's mouth, except upon the written direction of a licensed dentist, or place such appliance or structure in a person's mouth or attempt to adjust such appliance or structure in a person's mouth, or deliver such appliance or structure to any person other than the dentist upon whose direction the work was performed;</p> <p>(5) Sell or distribute materials, except to a licensed dentist, dental laboratory or dental supply house, with instructions for an individual to construct, repair, reproduce or duplicate any prosthetic denture, bridge, appliance or any other structure to be worn in a person's mouth;</p> <p>(6) Advertise to the public, by any method, to furnish, supply, construct, reproduce or repair any prosthetic denture, bridge, appliance or other structure to be worn in a person's mouth;</p> <p>(7) Give estimates of the cost of dental treatment; or</p> <p>(8) Advertise or permit it to be advertised by sign, card, circular, handbill or newspaper, or otherwise indicate that such person, by contract with others or by himself or herself, will perform any of the functions specified in subdivisions (1) to (7), inclusive, of this subsection.</p> <p>(c) Notwithstanding the provisions of subsection (a) of this section, a person who is licensed to practice dentistry under this chapter, who has successfully completed a postdoctoral training program that is accredited by the Commission on Dental Accreditation or its successor organization, in the specialty area of dentistry in which such person practices may:</p> <p><b>(1) Diagnose, evaluate, prevent or treat by surgical or other</b></p>	

### State Medical & Dental Scope of Practice

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
				<p><b>means, injuries, deformities, diseases or conditions of the hard and soft tissues of the oral and maxillofacial area, or its adjacent or associated structures; and (2) perform any of the following procedures, provided the dentist has been granted hospital privileges to perform such procedures:</b></p> <p><b>(A) Surgical treatment of sleep apnea involving the jaws;</b></p> <p>(B) salivary gland surgery; (C) the harvesting of donor tissue; (D) frontal and orbital surgery and nasoethmoidal procedures to the extent that such surgery or procedures are associated with trauma.</p> <p>(d) Any person who, in practicing dentistry or dental medicine, as defined in this section, employs or permits any other person except a licensed dentist to so practice dentistry or dental medicine shall be subject to the penalties provided in section 20-126.</p> <p>(e) The provisions of this section do not apply to:</p> <p>(1) Any practicing physician or surgeon who is licensed in accordance with chapter 370;</p> <p>(2) Any regularly enrolled student in a dental school approved as provided in this chapter or a medical school approved as provided in chapter 370 receiving practical training in dentistry under the supervision of a licensed dentist or physician in a dental or medical school in this state or in any hospital, infirmary, clinic or dispensary affiliated with such school;</p> <p>(3) A person who holds the degree of doctor of dental medicine or doctor of dental surgery or its equivalent and who has been issued a permit in accordance with section 20-126b and who is receiving practical training under the supervision of a licensed dentist or physician in an advanced dental education program conducted by a dental or medical school in this state or by a hospital operated by the federal government or licensed pursuant to subsection (a) of section 19a-491;</p>	

## State Medical & Dental Scope of Practice

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
				<p>(4) Any regularly enrolled student in or graduate of an accredited school of dental hygiene who is receiving practical training in dental hygiene in an approved school of dental hygiene in the state or in any hospital, infirmary, clinic or dispensary affiliated with such school, under the supervision of a dentist licensed pursuant to this chapter or a dental hygienist licensed pursuant to chapter 379a; or</p> <p>(5) Controlled investigations or innovative training programs related to the delivery of dental health services within accredited dental schools or schools of dental hygiene, provided such programs are (A) under the supervision of a dentist licensed pursuant to this chapter or physician licensed pursuant to chapter 370, and (B) conducted within a program accredited by the Commission on Dental Accreditation or such other national professional accrediting body as may be recognized by the United States Department of Education.</p>	
<b>DE</b>	Title 24: § 1702	<p>(9) "Practice of medicine" or "practice medicine" includes:</p> <p>a. Advertising, holding out to the public, or representing in any manner that one is authorized to practice medicine in this State;</p> <p>b. Offering or undertaking to prescribe, order, give, or administer any drug or medicine for the use of another person;</p> <p>c. Offering or undertaking to prevent or to diagnose, correct, and/or treat in any manner or by any means,</p>	Title 24: §1101	<p>(11) "Practice of dentistry" is defined as the evaluation, diagnosis, prevention and/or treatment (nonsurgical, surgical or related procedures) of diseases, disorders and/or conditions of the oral cavity, maxillofacial area and/or the adjacent and associated structures and their impact on the human body provided by a dentist within the scope of the dentist's education, training and experience, in accordance with the ethics of the profession and applicable law. A person shall be construed to practice dentistry who by verbal claim, sign, advertisement, opening of an office, or in any other way, including use of the words "dentist," "dental surgeon," the letters "D.D.S.," "D.M.D.," or other letters or titles, represents the dentist's to be a dentist or who holds himself or herself out</p>	<p style="text-align: center;">No.</p> <p>The statute states that a dentist can perform typical dental procedures and adjacent and associated structures and the impact of the disease, disorder, or condition on the human body <i>so long as a dentist is practicing within the scope of his or her education, training, and experience and in accordance with applicable law.</i></p> <p>However, a dentist's education, training, and experience <i>does not</i> include didactic instruction on upper airway obstruction and the pathophysiology of OSA and its indications for treatment.</p>

### State Medical & Dental Scope of Practice

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
		<p>methods, or devices a disease, illness, pain, wound, fracture, infirmity, defect, or abnormal physical or mental condition of another person, including the management of pregnancy and parturition;</p> <p>d. Offering or undertaking to perform a surgical operation upon another person;</p> <p>e. Rendering a written or otherwise documented medical opinion concerning the diagnosis or treatment of a person or the actual rendering of treatment to a person within the State by a physician located outside the State as a result of transmission of the person's medical data by electronic or other means from within the State to the physician or to the physician's agent;</p> <p>f. Rendering a determination of medical necessity or a decision affecting or modifying the diagnosis and/or treatment of a person;</p> <p>g. Using the designation Doctor, Doctor of Medicine, Doctor of Osteopathy, physician, surgeon, physician and surgeon, Dr., M.D., or D.O., or a similar designation, or any combination thereof, in the conduct of an occupation or profession pertaining to the prevention, diagnosis, or treatment of human disease or condition, unless the designation additionally contains the description of another branch of the healing arts for which one holds a valid license in the State.</p> <p>For the purposes of this chapter, in order that the full resources of the State are available for the protection of persons using the services of physicians, the act of the practice of medicine occurs where a person is located at the time a physician practices medicine</p>		<p>as able to perform, or who does perform, dental services or work. A person shall be regarded as practicing dentistry who is a manager, proprietor, operator or conductor of a place for performing dental operations or who for a fee, salary or other reward paid, or to be paid either to himself or herself or to another person, performs or advertises to perform dental operations of any kind.</p>	

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State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
		upon the person.			
<b>DC</b>	Chapter 12 Section 3-1201.02	<p>(7) (A) "Practice of medicine" means suggesting, recommending, prescribing, or administering, with or without compensation, any form of treatment, operation, drug, medicine, manipulation, electricity, or any physical, mechanical, or healing treatment by other means, for the prevention, diagnosis, correction, or treatment of a physical or mental disease, ailment, injury, condition, or defect of any person, including: (i) The management of pregnancy and parturition; (ii) The interpretation of tests, including primary diagnosis of pathology specimens, images, or photographs;</p> <p>16</p> <p>(iii) Offering or performing a surgical operation upon another person; (iv) Offering or performing any type of invasive procedure of the body, whether through a body opening or a cutting of the skin, or otherwise affecting the layer of skin below the stratum corneum, for surgical, therapeutic, or cosmetic purposes, excluding procedures known as body tattooing or body piercing; (v) Rendering a written or otherwise documented medical opinion relating to the diagnosis and treatment of a person within the District, or the actual rendering of treatment to a person within the District, by a physician located outside the District as a result of transmission of the person's medical data by electronic or other means from within the District to the physician or to the physician's agent; (vi) Maintaining an office or other place for the purpose of examining persons afflicted with disease, injury, or defect of body or mind; (vii) Advertising or representing in any manner that one is</p>	Chapter 12 Section 3-1201.02	<p>(5) "Practice of dentistry" means: (A) The diagnosis, treatment, operation, or prescription for any disease, disorder, pain, deformity, injury, deficiency, defect, or other physical condition of the human teeth, gums, alveolar process, jaws, maxilla, mandible, or adjacent tissues or structures of the oral cavity, including the removal of stains, accretions, or deposits from the human teeth; (B) The extraction of a human tooth or teeth; (C) The performance of any phase of any operation relative or incident to the replacement or restoration of all or a part of a human tooth or teeth with an artificial substance, material, or device; (D) The correction of the malposition or malformation of the human teeth; (E) The administration of an appropriate anesthetic agent, by a dentist properly trained in the administration of the anesthetic agent, in the treatment of dental or oral diseases or physical conditions, or in preparation for or incident to any operation within the oral cavity; (F) The taking or making of an impression of the human teeth, gums, or jaws; (G) The making, building, construction, furnishing, processing, reproduction, repair, adjustment, supply or placement in the human mouth of any prosthetic denture, bridge, appliance, corrective device, or other structure designed or constructed as a substitute for a natural human tooth or teeth or as an aid in the treatment of the malposition or malformation of a tooth or teeth, or to advertise, offer, sell, or deliver any such substitute or the services rendered in the construction, reproduction, repair, adjustment, or supply thereof to any person other than a licensed dentist; (H) The use of an X-ray machine or device for dental treatment or diagnostic purposes, or the giving of interpretations or readings of dental X-rays;</p>	<p align="center">No.</p> <p>The statute only addresses which procedures a dentist can perform to the human teeth, gums, alveolar process, jaws, maxilla, mandible, or adjacent tissues or structures of the oral cavity.</p>

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State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments <b>Does the Statute allow a DDS to diagnose and treat a patient with OSA?</b>
		<p>authorized to practice medicine; or (viii) Using the designation "Doctor of Medicine," "Doctor of Osteopathy," "physician," "surgeon," "physician and surgeon," "M.D.," or "D.O.," or a similar designation, or any combination thereof, in the conduct of an occupation or profession pertaining to the prevention, diagnosis, or treatment of human disease or condition, unless the designation additionally contains the description of another branch of the healing arts for which one holds a valid license. (B) Nothing in this paragraph shall be construed as preventing or restricting other health professionals from offering or undertaking any type of invasive procedure of the body, whether through a body opening or a cutting of the skin, or otherwise affecting the layer of skin below the stratum corneum, for surgical, therapeutic, or cosmetic purposes, if the procedure: (i) Has been authorized by a licensed physician; or (ii) Is performed by an advanced practice registered nurse, an anesthesiologist assistant, a dentist, a physician assistant, a podiatrist, a practical nurse, a registered nurse, or a surgical assistant who has received the necessary training and experience to perform the procedure in a safe and effective manner. (C) Nothing in this paragraph shall be construed as preventing or restricting advanced practice registered nurses from performing their duties as advanced practice registered nurses.</p>			
<b>FL</b>	458.305	<p>“Practice of medicine” means the diagnosis, treatment, operation, or prescription for any human disease, pain, injury, deformity, or other physical or mental condition. (4) “Physician” means a person who is licensed to practice medicine in this state.</p>	466.003	(3) “Dentistry” means the healing art which is concerned with the examination, diagnosis, treatment planning, and care of conditions within the human oral cavity and its adjacent tissues and structures. It includes the performance or attempted performance of any dental operation, or oral or oral-maxillofacial surgery and any procedures adjunct thereto, including physical evaluation directly related to such operation	<p align="center">No.</p> <p>The statute only addresses which procedures a dentist can perform within the human oral cavity and its adjacent tissues and structures.</p>

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State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
				<p>or surgery pursuant to hospital rules and regulations. It also includes dental service of any kind gratuitously or for any remuneration paid, or to be paid, directly or indirectly, to any person or agency. The term "dentistry" shall also include the following:</p> <p>(a) The taking of an impression of the human tooth, teeth, or jaws directly or indirectly and by any means or method.</p> <p>(b) Supplying artificial substitutes for the natural teeth or furnishing, supplying, constructing, reproducing, or repairing any prosthetic denture, bridge, appliance, or any other structure designed to be worn in the human mouth except on the written work order of a duly licensed dentist.</p> <p>(c) The placing of an appliance or structure in the human mouth or the adjusting or attempting to adjust the same.</p> <p>(d) Delivering the same to any person other than the dentist upon whose work order the work was performed.</p> <p>(e) Professing to the public by any method to furnish, supply, construct, reproduce, or repair any prosthetic denture, bridge, appliance, or other structure designed to be worn in the human mouth.</p> <p>(f) Diagnosing, prescribing, or treating or professing to diagnose, prescribe, or treat disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws or oral-maxillofacial region.</p> <p>(g) Extracting or attempting to extract human teeth.</p> <p>(h) Correcting or attempting to correct malformations of teeth or of jaws.</p>	
<b>GA</b>	Chapter 34 § 43-34-21	(3) "To practice medicine," "the practice of medicine," or "practicing medicine" means to hold oneself out to the public as being engaged in the diagnosis or treatment of disease, defects, or injuries of human beings; or the suggestion, recommendation, or prescribing of any form of treatment for the intended palliation, relief, or cure of any physical, mental, or functional ailment or defect of any person with the intention of receiving therefor, either	§ 43-11-1	(6) "Dentistry" means the evaluation, diagnosis, prevention, or treatment, or any combination thereof, whether using surgical or nonsurgical procedures, of diseases, disorders, or conditions, or any combination thereof, of the oral cavity, maxillofacial area, or the adjacent and associated structures, or any combination thereof, and their impact on the human body provided by a dentist, within the scope of his or her education, training, and experience, in accordance with the ethics of the profession and applicable law, including, but not limited to, the	<p align="center">No.</p> <p align="center">The statute states that a dentist can perform typical dental procedures and adjacent and associated structures and the impact of the disease, disorder, or condition on the human body provided by a dentist, <i>within the scope of his or her education, training, and experience, in accordance with the ethics of the profession and applicable law.</i></p>



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State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
		<p>directly or indirectly, any fee, gift, or compensation whatsoever; or the maintenance of an office for the reception, examination, and treatment of persons suffering from disease, defect, or injury of body or mind; or attaching the title "M.D.," "Oph.," "D.," "Dop.," "Surgeon," "Doctor," "D.O.," "Doctor of Osteopathy," "Allopathic Physician," "Osteopathic Physician," or "Physician," either alone or in connection with other words, or any other words or abbreviations to one's name, indicating that such person is engaged in the treatment or diagnosis of disease, defects, or injuries to human beings, provided that the terms "doctors of medicine," "doctors of osteopathic medicine," "doctors of medicine licensed to practice in the state," and similar terms wherever used or appearing in this article or elsewhere this article.</p>		<p>acts specified in Code Section 43-11-17.</p>	<p>However, a dentist's education, training, and experience <i>does not</i> include didactic instruction on upper airway obstruction and the pathophysiology of OSA and its indications for treatment.</p>
<b>HI</b>	453-1	<p><i>§453-1 Practice of medicine defined.</i> For the purposes of this chapter the practice of medicine by a physician or an osteopathic physician includes the use of drugs and medicines, water, electricity, hypnotism, osteopathic medicine, or any means or method, or any agent, either tangible or intangible, for the treatment of disease in the human subject; provided that when a duly licensed physician or osteopathic physician pronounces a person affected with any disease hopeless and beyond recovery and gives a written certificate to that effect to the person affected or the person's attendant nothing herein shall forbid any person from giving or furnishing any remedial agent or measure when so requested by or on behalf of the affected person. This section shall not amend or repeal the law respecting the treatment of those affected</p>	448-1	<p><i>§448-1 Dentistry defined;</i> exempted practices. A person practices dentistry, within the meaning of this chapter, who represents oneself as being able to diagnose, treat, operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, alveolar process, gums, or jaw, or who offers or undertakes by any means or methods to diagnose, treat, operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the same, or to take impressions of the teeth or jaws; or who owns, maintains, or operates an office for the practice of dentistry; or who engages in any of the practices included in the curricula of recognized and approved dental schools or colleges. Dentistry includes that part of health care concerned with the diagnosis, prevention, and treatment of diseases of the teeth, oral cavity, and associated structures including the restoration of defective or missing teeth. The fact that a person uses any dental degree, or designation, or any card, device, directory, poster, sign, or other media whereby one represents oneself to be a dentist, shall be prima facie</p>	<p style="text-align: center;">No.</p> <p>The statute ONLY states that a person practicing dentistry is one who is able to diagnose, treat, operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, alveolar process, gums, or jaw, or who offers or undertakes by any means or methods to diagnose, treat, operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the same, or to take impressions of the teeth or jaws.</p>

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State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments <b>Does the Statute allow a DDS to diagnose and treat a patient with OSA?</b>
		<p>with Hansen's disease. For purposes of this chapter, "osteopathic medicine" means the utilization of full methods of diagnosis and treatment in physical and mental health and disease, including the prescribing and administration of drugs and biologicals of all kinds, operative surgery, obstetrics, radiological, and other electromagnetic emissions, and placing special emphasis on the interrelation of the neuromusculoskeletal system to all other body systems, and the amelioration of disturbed structurefunction relationships by the clinical application of the osteopathic diagnosis and therapeutic skills for the maintenance of health and treatment of disease.</p>		<p>evidence that the person is engaged in the practice of dentistry.</p>	
<b>ID</b>	Title 54-1803	(7) A "license to practice osteopathic medicine and surgery" means a license issued by the board to a person who either graduated from an acceptable osteopathic school of medicine subsequent to January 1, 1963, or who has been licensed by endorsement of a license issued by another state where a composite examining board exists and where physicians licensed to practice medicine and surgery and osteopathic physicians take the same examination and hold equal licenses, and who has fulfilled the licensing requirements of this chapter.	Title 54-901	54-901. Definition -- Practice of dentistry. The practice of dentistry is the doing by one (1) person, for a direct or indirect consideration, of one or more of the following with respect to the teeth, gums, alveolar process, jaws, or adjacent tissues of another person, namely: Examining for diagnosis, treatment, extraction, repair, replacement, substitution, or correction; Diagnosing of disease, pain, injury, deficiency, deformity or physical condition; Treating, operating, prescribing, extracting, repairing, taking impressions, fitting, replacing, substituting, or correcting; Administering anesthetics or medicaments in connection with any of the foregoing.	<p style="text-align: center;">No.</p> <p>The statute ONLY states that the practice of dentistry pertains to the teeth, gums, alveolar process, jaws, or adjacent tissues.</p>
<b>IL</b>	(225 ILCS 60/) Medical Practice Act of 1987.	Statue addresses requirements to obtain licensure but not "practice of medicine." Basically, MD's can perform all procedures under their license.	225 ILCS 25/1 – Section 17	Section 17 – Acts Constituting the Practice of Dentistry  <i>A person practices dentistry, within the meaning of this Act:</i>  (1) Who represents himself as being able to diagnose or diagnoses, treats, prescribes, or operates for any disease, pain,	<p style="text-align: center;">No.</p> <p>The statute ONLY allows a dentist to perform duties that are related to the teeth, gums, alveolar process, jaws, or adjacent tissues.</p>

### State Medical & Dental Scope of Practice

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments <b>Does the Statute allow a DDS to diagnose and treat a patient with OSA?</b>
				<p>deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gums or jaw; or</p> <p>(2) Who is a manager, proprietor, operator or conductor of a business where dental operations are performed; or</p> <p>(3) Who performs dental operations of any kind; or</p> <p>(4) Who uses an X-Ray machine or X-Ray films for dental diagnostic purposes; or</p> <p>(5) Who extracts a human tooth or teeth, or corrects or attempts to correct malpositions of the human teeth or jaws; or</p> <p>(6) Who offers or undertakes, by any means or method, to diagnose, treat or remove stains, calculus, and bonding materials from human teeth or jaws; or</p> <p>(7) Who uses or administers local or general anesthetics in the treatment of dental or oral diseases or in any preparation incident to a dental operation of any kind or character; or</p> <p>(8) Who takes impressions of the human tooth, teeth, or jaws or performs any phase of any operation incident to the replacement of a part of a tooth, a tooth, teeth or associated tissues by means of a filling, crown, a bridge, a denture or other appliance; or</p> <p>(9) Who offers to furnish, supply, construct, reproduce or repair, or who furnishes, supplies, constructs, reproduces or repairs, prosthetic dentures, bridges or other substitutes for natural teeth, to the user or prospective user thereof; or</p> <p>(10) Who instructs students on clinical matters or performs any clinical operation included in the curricula of recognized dental schools and colleges; or</p>	<p>The statute does not allow a dentist to perform medical procedures.</p>

### State Medical & Dental Scope of Practice

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
				<p>(11) Who takes impressions of human teeth or places his or her hands in the mouth of any person for the purpose of applying teeth whitening materials, or who takes impressions of human teeth or places his or her hands in the mouth of any person for the purpose of assisting in the application of teeth whitening materials. A person does not practice dentistry when he or she discloses to the consumer that he or she is not licensed as a dentist under this Act and (i) discusses the use of teeth whitening materials with a consumer purchasing these materials; (ii) provides instruction on the use of teeth whitening materials with a consumer purchasing these materials; or (iii) provides appropriate equipment on-site to the consumer for the consumer to self-apply teeth whitening materials.</p> <p>The fact that any person engages in or performs, or offers to engage in or perform, any of the practices, acts, or operations set forth in this Section, shall be prima facie evidence that such person is engaged in the practice of dentistry.</p> <p>The following practices, acts, and operations, however, are exempt from the operation of this Act:</p> <p>(a) The rendering of dental relief in emergency cases in the practice of his or her profession by a physician or surgeon, licensed as such under the laws of this State, unless he undertakes to reproduce or reproduces lost parts of the human teeth in the mouth or to restore or replace lost or missing teeth in the mouth; or</p> <p>(b) The practice of dentistry in the discharge of their official duties by dentists in any branch of the Armed Services of the United States, the United States Public Health Service, or the United States Veterans Administration; or</p> <p>(c) The practice of dentistry by students in their course of study in dental schools or colleges approved by the</p>	

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State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
				<p>Department, when acting under the direction and supervision of dentists acting as instructors; or</p> <p>(d) The practice of dentistry by clinical instructors in the course of their teaching duties in dental schools or colleges approved by the Department:</p> <p>(i) when acting under the direction and supervision of dentists, provided that such clinical instructors have instructed continuously in this State since January 1, 1986; or</p> <p>(ii) when holding the rank of full professor at such approved dental school or college and possessing a current valid license or authorization to practice dentistry in another country; or</p> <p>(e) The practice of dentistry by licensed dentists of other states or countries at meetings of the Illinois State Dental Society or component parts thereof, alumni meetings of dental colleges, or any other like dental organizations, while appearing as clinicians; or</p> <p>(f) The use of X-Ray machines for exposing X-Ray films of dental or oral tissues by dental hygienists or dental assistants; or</p> <p>(g) The performance of any dental service by a dental assistant, if such service is performed under the supervision and full responsibility of a dentist. For purposes of this paragraph (g), "dental service" is defined to mean any intraoral procedure or act which shall be prescribed by rule or regulation of the Department. Dental service, however, shall not include:</p> <p>(1) Any and all diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws, or adjacent structures.</p>	

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State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
				<p>(2) Removal of, or restoration of, or addition to the hard or soft tissues of the oral cavity, except for the placing, carving, and finishing of amalgam restorations by dental assistants who have had additional formal education and certification as determined by the Department.</p> <p>(3) Any and all correction of malformation of teeth or of the jaws.</p> <p>(4) Administration of anesthetics, except for application of topical anesthetics and monitoring of nitrous oxide. Monitoring of nitrous oxide may be performed after successful completion of a training program approved by the Department.</p> <p>(5) Removal of calculus from human teeth.</p> <p>(6) Taking of impressions for the fabrication of prosthetic appliances, crowns, bridges, inlays, onlays, or other restorative or replacement dentistry.</p> <p>(7) The operative procedure of dental hygiene consisting of oral prophylactic procedures, except for coronal polishing, which may be performed by a dental assistant who has successfully completed a training program approved by the Department. Dental assistants may perform coronal polishing under the following circumstances: (i) the coronal polishing shall be limited to polishing the clinical crown of the tooth and existing restorations, supragingivally; (ii) the dental assistant performing the coronal polishing shall be limited to the use of rotary instruments using a rubber cup or brush polishing method (air polishing is not permitted); and (iii) the supervising dentist shall not supervise more than 4 dental assistants at any one time for the task of coronal polishing.</p> <p>(h) The practice of dentistry by an individual who:</p> <p>(i) has applied in writing to the Department, in form and</p>	

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State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
				<p>substance satisfactory to the Department, for a general dental license and has complied with all provisions of Section 9 of this Act, except for the passage of the examination specified in subsection (e), of Section 9, of this Act; or</p> <p>(ii) has applied in writing to the Department, in form and substance satisfactory to the Department, for a temporary dental license and has complied with all provisions of subsection (c), of Section 11, of this Act; and</p> <p>(iii) has been accepted or appointed for specialty or residency training by a hospital situated in this State; or</p> <p>(iv) has been accepted or appointed for specialty training in an approved dental program situated in this State; or</p> <p>(v) has been accepted or appointed for specialty training in a dental public health agency situated in this State.</p> <p>The applicant shall be permitted to practice dentistry for a period of 3 months from the starting date of the program, unless authorized in writing by the Department to continue such practice for a period specified in writing by the Department.</p> <p>The applicant shall only be entitled to perform such acts as may be prescribed by and incidental to their program of residency or specialty training and shall not otherwise engage in the practice of dentistry in this State.</p> <p>The authority to practice shall terminate immediately upon:</p> <p>(1) the decision of the Department that the applicant has failed the examination; or</p> <p>(2) denial of licensure by the Department; or</p>	

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State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments <b>Does the Statute allow a DDS to diagnose and treat a patient with OSA?</b>
				(3) withdrawal of the application.	
<b>IN</b>	IC 25-22.5-1-1.1	<p>(a) "Practice of medicine or osteopathic medicine" means any one (1) or a combination of the following:</p> <p>(1) Holding oneself out to the public as being engaged in:</p> <p>(A) the diagnosis, treatment, correction, or prevention of any disease, ailment, defect, injury, infirmity, deformity, pain, or other condition of human beings;</p> <p>(B) the suggestion, recommendation, or prescription or administration of any form of treatment, without limitation;</p> <p>(C) the performing of any kind of surgical operation upon a human being, including tattooing, except for tattooing (as defined in IC 35-42-2-7), in which human tissue is cut, burned, or vaporized by the use of any mechanical means, laser, or ionizing radiation, or the penetration of the skin or body orifice by any means, for the intended palliation, relief, or cure; or</p> <p>(D) the prevention of any physical, mental, or functional ailment or defect of any person.</p> <p>(2) The maintenance of an office or a place of business for the reception, examination, or treatment of persons suffering from disease, ailment, defect, injury, infirmity, deformity, pain, or other conditions of body or mind.</p> <p>(3) Attaching the designation "doctor of medicine", "M.D.", "doctor of osteopathy", "D.O.", "osteopathic medical physician", "physician", "surgeon", or "physician and surgeon", either alone or in connection with other words, or any other words or abbreviations to a name, indicating or</p>	IC 25-14-1-23	<p><i>Sec. 23. (a) A person is practicing dentistry within the meaning of this chapter if the person does any of the following:</i></p> <p>(1) Uses the word "dentist" or "dental surgeon", the letters "D.D.S." or "D.M.D.", or other letters or titles in connection with dentistry.</p> <p>(2) Directs and controls the treatment of patients within a place where dental services are performed.</p> <p>(3) Advertises or permits to be advertised by sign, card, circular, handbill, newspaper, radio, or otherwise that the person can or will attempt to perform dental operations of any kind.</p> <p>(4) Offers to diagnose or professes to diagnose or treats or professes to treat any of the lesions or diseases of the human oral cavity, teeth, gums, or maxillary or mandibular structures.</p> <p>(5) Extracts human teeth or corrects malpositions of the teeth or jaws.</p> <p>(6) Except as provided in IC 25-13-1-10.5 and IC 25-13-1-10.6, administers dental anesthetics.</p> <p>(7) Uses x-ray pictures for dental diagnostic purposes.</p> <p>(8) Makes impressions or casts of any oral tissues or structures for the purpose of diagnosis or treatment thereof or for the construction, repair, reproduction, or duplication of any prosthetic device to alleviate or cure any oral lesion or replace any lost oral structures, tissue, or teeth.</p> <p>(9) Advertises to the public by any method, except trade and professional publications, to furnish, supply, construct, reproduce, repair, or adjust any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth.</p> <p>(10) Is the employer of a dentist who is hired to provide dental services.</p> <p>(11) Directs or controls the use of dental equipment or dental</p>	<p style="text-align: center;">No.</p> <p>The statute ONLY allows a dentist to perform duties that are related to the teeth, gums, alveolar process, jaws, or adjacent tissues.</p> <p>The statute does not allow a dentist to perform medical procedures.</p>



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		<p>inducing others to believe that the person is engaged in the practice of medicine or osteopathic medicine (as defined in this section).</p> <p>(4) Providing diagnostic or treatment services to a person in Indiana when the diagnostic or treatment services:</p> <p>(A) are transmitted through electronic communications; and</p> <p>(B) are on a regular, routine, and nonepisodic basis or under an oral or written agreement to regularly provide medical services.</p> <p>In addition to the exceptions described in section 2 of this chapter, a nonresident physician who is located outside Indiana does not practice medicine or osteopathy in Indiana by providing a second opinion to a licensee or diagnostic or treatment services to a patient in Indiana following medical care originally provided to the patient while outside Indiana.</p>		<p>material while the equipment or material is being used to provide dental services. However, a person may lease or provide advice or assistance concerning dental equipment or dental material if the person does not restrict or interfere with the custody, control, or use of the equipment or material by the dentist. This subdivision does not prevent a dental hygienist who is licensed under IC 25-13 from owning dental equipment or dental materials within the dental hygienist's scope of practice.</p> <p>(12) Directs, controls, or interferes with a dentist's clinical judgment.</p> <p>(13) Exercises direction or control over a dentist through a written contract concerning the following areas of dental practice:</p> <p>(A) The selection of a patient's course of treatment.</p> <p>(B) Referrals of patients, except for requiring referrals to be within a specified provider network, subject to the exceptions under IC 27-13-36-5.</p> <p>(C) Content of patient records.</p> <p>(D) Policies and decisions relating to refunds, if the refund payment would be reportable under federal law to the National Practitioner Data Bank, and warranties.</p> <p>(E) The clinical content of advertising.</p> <p>(F) Final decisions relating to the employment of dental office personnel.</p> <p>However, this subdivision does not prohibit a person from providing advice or assistance concerning the areas of dental practice referred to in this subdivision or an insurer (as defined in IC 27-1-26-1) from carrying out the applicable provisions of IC 27 under which the insurer is licensed.</p> <p>However, a person does not have to be a dentist to be a manufacturer of dental prostheses.</p> <p>(b) In addition to subsection (a), a person is practicing dentistry who directly or indirectly by any means or method furnishes, supplies, constructs, reproduces, repairs, or adjusts any prosthetic denture, bridge, appliance, or any other structure to be worn in the human mouth and delivers the</p>	

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				<p>resulting product to any person other than the duly licensed dentist upon whose written work authorization the work was performed. A written work authorization shall include the following:</p> <ul style="list-style-type: none"> <li>(1) The name and address of the dental laboratory to which it is directed.</li> <li>(2) The case identification.</li> <li>(3) A specification of the materials to be used.</li> <li>(4) A description of the work to be done and, if necessary, diagrams thereof.</li> <li>(5) The date of issuance of the authorization.</li> <li>(6) The signature and address of the licensed dentist or other dental practitioner by whom the work authorization is issued.</li> </ul> <p>A separate work authorization shall be issued for each patient of the issuing licensed dentist or other dental practitioner for whom dental technological work is to be performed.</p> <p>(c) This section shall not apply to those procedures which a legally licensed and practicing dentist may delegate to a dental assistant as to which procedures the dentist exercises direct supervision and responsibility.</p> <p>(d) Procedures delegated by a dentist may not include the following:</p> <ul style="list-style-type: none"> <li>(1) Those procedures which require professional judgment and skill such as diagnosis, treatment planning, the cutting of hard or soft tissues, or any intraoral impression which would lead to the fabrication of a final prosthetic appliance.</li> <li>(2) Except for procedures described in subsections (g) and (h), procedures delegated to a dental assistant may not include procedures allocated under IC 25-13-1 to a licensed dental hygienist.</li> <li>(e) This chapter shall not prevent dental students from performing dental operations under the supervision of competent instructors within the dental school or a university recognized by the board or in any public clinic under the supervision of the authorized superintendent of such clinic</li> </ul>	

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				<p>authorized under the authority and general direction of the board of health or school board of any city or town in Indiana.</p> <p>(f) Licensed pharmacists of this state may fill prescriptions of licensed dentists of this state for any drug necessary in the practice of dentistry.</p> <p>(g) Notwithstanding IC 25-13-1-11(4), a dental assistant who has completed a board approved curriculum may apply medicaments for the control or prevention of dental caries under the direct supervision of a licensed dentist. The curriculum must include instruction on the following:</p> <ol style="list-style-type: none"> <li>(1) Ethics and jurisprudence.</li> <li>(2) Reasons for fluorides.</li> <li>(3) Systemic fluoride.</li> <li>(4) Topical fluoride.</li> <li>(5) Fluoride application.</li> <li>(6) Laboratory work on topical fluoride applications and patient competency.</li> </ol> <p>(h) Notwithstanding IC 25-13-1-11(3), a dental assistant who has completed a board approved curriculum may polish the coronal surface of teeth under the direct supervision of a licensed dentist. The curriculum must include instruction on the following:</p> <ol style="list-style-type: none"> <li>(1) Ethics and jurisprudence.</li> <li>(2) Plaque and materia alba.</li> <li>(3) Intrinsic and extrinsic stain.</li> <li>(4) Abrasive agents.</li> <li>(5) Use of a slow speed hand piece, prophy cup, and occlusal polishing brush.</li> <li>(6) Theory of selective polishing.</li> <li>(7) Laboratory work concerning slow speed hand piece, hand dexterity, and patient competency.</li> </ol>	
<b>IA</b>	148.1	<i>Persons engaged in practice.</i> For the purpose of this subtitle, the following classes of persons shall be deemed to be engaged in the practice of medicine and surgery or osteopathic medicine and surgery:	153.13	<i>“Practice of dentistry” defined.</i> For the purpose of this subtitle the following classes of persons shall be deemed to be engaged in the practice of dentistry: 1. Persons publicly professing to be dentists, dental surgeons,	No.  The statute ONLY allows a dentist to perform a diagnosis, treatment, and attempted correction by any medicine, appliance, surgery, or other appropriate method of any disease, condition,

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State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments <b>Does the Statute allow a DDS to diagnose and treat a patient with OSA?</b>
		<p>1. Persons who publicly profess to be physicians and surgeons or osteopathic physicians and surgeons, or who publicly profess to assume the duties incident to the practice of medicine and surgery or osteopathic medicine and surgery.</p> <p>2. Persons who prescribe, or prescribe and furnish, medicine for human ailments or treat the same by surgery.</p> <p>3. Persons who act as representatives of any person in doing any of the things mentioned in this section.</p>		<p>or skilled in the science of dentistry, or publicly professing to assume the duties incident to the practice of dentistry.</p> <p>2. Persons who perform examination, diagnosis, treatment, and attempted correction by any medicine, appliance, surgery, or other appropriate method of any disease, condition, disorder, lesion, injury, deformity, or defect of the oral cavity and maxillofacial area, including teeth, gums, jaws, and associated structures and tissue, which methods by education, background experience, and expertise are common to the practice of dentistry.</p> <p>3. Persons who offer to perform, perform, or assist with any phase of any operation incident to tooth whitening, including the instruction or application of tooth whitening materials or procedures at any geographic location. For purposes of this subsection, “tooth whitening” means any process to whiten or lighten the appearance of human teeth by the application of chemicals, whether or not in conjunction with a light source.</p>	<p>disorder, lesion, injury, deformity, or defect of the oral cavity and maxillofacial area, including teeth, gums, jaws, and associated structures and tissue, which methods by education, background experience, and expertise are common to the practice of dentistry.</p> <p>However, a dentist’s education, training, and experience <i>does not</i> include didactic instruction on upper airway obstruction and the pathophysiology of OSA and its indications for treatment.</p>
<b>KS</b>	65-2802	<p><i>Definitions</i> a. The healing arts include any system, treatment, operation, diagnosis, prescription, or practice for the ascertainment, cure, relief, palliation, adjustment, or correction of any human disease, ailment, deformity, or injury, and includes specifically but not by way of limitation the practice of medicine and surgery; the practice of osteopathic medicine and surgery; and the practice of chiropractic.</p>	65-1422	<p><i>Persons deemed to be practicing dentistry.</i> A person shall be deemed to be practicing dentistry:</p> <p>(a) Who performs, or attempts or professes to perform, any dental operation or oral surgery or dental service of any kind, gratuitously or for a salary, fee, money or other remuneration paid, or to be paid directly or indirectly, to such person or to any other person or agency who is a proprietor of a place where dental operations, oral surgery or dental services are performed; or</p> <p>(b) who directly or indirectly, by any means or method, takes impression of the human tooth, teeth, jaws or performs any phase of any operation incident to the replacement of a part of a tooth; or</p> <p>(c) who supplies artificial substitutes for the natural teeth, or who furnishes, supplies, constructs, reproduces or repairs any prosthetic denture, bridge, appliance or any other structure to be worn in the human mouth, except on the written prescription of a licensed dentist; or</p> <p><b>(d) who places such appliance or structure in the human</b></p>	<p style="text-align: center;">No.</p> <p>The statute <b>ONLY</b> allows a dentist to perform a diagnosis, or professes to diagnose, prescribe for, or professes to prescribe for, treats, or professes to treat, disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws, or adjacent structure.</p> <p>In addition, the statute also states that a dentist <b>CAN</b> place an appliance or structure in the human mouth, or adjusts or attempts or professes to adjust the same, or delivers the same to any person other than the dentist upon whose <b>PRESCRIPTION</b> the work was performed.</p>

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				<p>mouth, or adjusts or attempts or professes to adjust the same, or delivers the same to any person other than the dentist upon whose prescription the work was performed; or</p> <p>(e) who professes to the public by any method to furnish, supply, construct, reproduce or repair any prosthetic denture, bridge, appliance or other structure to be worn in the human mouth; or</p> <p>(f) who diagnoses, or professes to diagnose, prescribe for, or professes to prescribe for, treats, or professes to treat, disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws, or adjacent structure; or</p> <p>(g) who extracts, or attempts to extract, human teeth, or corrects or attempts to correct, malformations of teeth or of the jaws; or</p> <p>(h) who repairs or fills cavities in the human teeth; or</p> <p>(i) who diagnoses, makes and adjusts appliances to artificial casts or malposed teeth for treatment of the malposed teeth in the human mouth, with or without instruction; or</p> <p>(j) who uses a roentgen or x-ray machine for the purpose of taking dental x-rays or roentgenograms; or</p> <p>(k) who gives, or professes to give, interpretations or readings of dental x-rays or roentgenograms; or</p> <p>(l) who administers an anesthetic of any nature in connection with a dental operation; or</p> <p>(m) who uses the words dentist, dental surgeon, oral surgeon, or the letters D.D.S., D.M.D., or any other words, letters, title or descriptive matter which in any way represents oneself as being able to diagnose, treat, prescribe or operate for any disease, pain, deformity, deficiency, injury or physical condition of the teeth or jaws or adjacent structures; or</p> <p>(n) who states, or professes, or permits to be stated or professed by any means or method whatsoever that such person can perform or will attempt to perform dental operations or render a diagnosis connected therewith.</p>	
<b>KY</b>	311.550	<i>The "practice of medicine or osteopathy" does not include the practice of Christian Science, the</i>	313.010	<i>"Dentistry" means the evaluation, diagnosis, prevention, or surgical, nonsurgical, or related treatment of diseases,</i>	No.

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State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments <b>Does the Statute allow a DDS to diagnose and treat a patient with OSA?</b>
		<p>domestic administration of family remedies, the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter, the use of automatic external defibrillators in accordance with the provisions of KRS 311.665 to 311.669, the practice of podiatry as defined in KRS 311.380, the practice of a midlevel health care practitioner as defined in KRS 216.900, the practice of dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS 320.210, the practice of chiropractic as defined in subsection (2) of KRS 312.015, the practice as a nurse as defined in KRS 314.011, the practice of physical therapy as defined in KRS 327.010, the performance of duties for which they have been trained by paramedics licensed under KRS Chapter 311A, first responders, or emergency medical technicians certified under Chapter 311A, the practice of pharmacy by persons licensed and registered under KRS 315.050, the sale of drugs, nostrums, patented or proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses, instruments, apparatus, or mechanisms that are intended, advertised, or represented as being for the treatment, correction, cure, or relief of any human ailment, disease, injury, infirmity, or condition, in regular mercantile establishments, or the practice of midwifery by women. KRS 311.530 to 311.620 shall not be construed as repealing the authority conferred on the Cabinet for Health and Family Services by KRS Chapter 211 to provide for the instruction, examination, licensing, and registration of all midwives through county health officers.</p>		<p>disorders, or conditions of the oral cavity, maxillofacial area, or the adjacent and associated structures and their impact on the human body provided by a dentist within the scope of his or her education, training, and experience and in accordance with the ethics of the profession and applicable law. Any person shall be regarded as "practicing dentistry" who, for a fee, salary, or other reward paid, or to be paid either to himself or herself, or to another person, performs or advertises to perform, dental operations of any kind, including the whitening of natural or manufactured teeth, or who diagnoses or treats diseases or lesions of human teeth or jaws, or attempts to correct malpositions thereof, or who diagnoses or treats disorders, or deficiencies of the oral cavity and adjacent associated structures, or who takes impressions of the human teeth or jaws to be used directly in the fabrication of any intraoral appliance, or shall construct, supply, reproduce or repair any prosthetic denture, bridge, artificial restoration, appliance or other structure to be used or worn as a substitute for natural teeth, except upon the written laboratory procedure work order of a licensed dentist and constructed upon or by the use of casts or models made from an impression taken by a licensed dentist, or who shall advertise, offer, sell, or deliver any such substitute or the services rendered in the construction, reproduction, supply, or repair thereof to any person other than a licensed dentist, or who places or adjusts such substitute in the oral cavity of another, or who uses the words "dentist," "dental surgeon," the letters "D.D.S.," "D.M.D.," or other letters or title in connection with his or her name, which in any way represents him or her as being engaged in the practice of dentistry;</p>	<p>Statute allows a dentist to provide an evaluation, diagnosis, prevention, or surgical, nonsurgical, or related treatment of diseases, disorders, or conditions of the oral cavity, maxillofacial area, or the adjacent and associated structures <b>and their impact on the human body provided by a dentist within the scope of his or her education, training, and experience and in accordance with the ethics of the profession and applicable law.</b></p> <p>However, a dentist's education, training, and experience <i>does not</i> include didactic instruction on upper airway obstruction and the pathophysiology of OSA and its indications for treatment.</p>
<b>LA</b>	§1262	(3) "The practice of medicine", whether allopathic or osteopathic, means the holding out of one's self to the	§751.	"Dentistry" means the evaluation, diagnosis, prevention, or treatment, including nonsurgical, surgical, or related	No.

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State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments <b>Does the Statute allow a DDS to diagnose and treat a patient with OSA?</b>
		public as being engaged in the business of, or the actual engagement in, the diagnosing, treating, curing, or relieving of any bodily or mental disease, condition, infirmity, deformity, defect, ailment, or injury in any human being, other than himself, whether by the use of any drug, instrument or force, whether physical or psychic, or of what other nature, or any other agency or means; or the examining, either gratuitously or for compensation, of any person or material from any person for such purpose whether such drug, instrument, force, or other agency or means is applied to or used by the patient or by another person; or the attending of a woman in childbirth without the aid of a licensed physician or midwife.		procedures, of diseases, disorders, or conditions of the oral cavity, maxillofacial areas, or the adjacent and associated structures and their impact on the human body provided by a dentist within the scope of his education, training, and experience, in accordance with the ethics of the profession and applicable law.	<p>Statute allows a dentist to provide an evaluation, diagnosis, prevention, or treatment, including nonsurgical, surgical, or related procedures, of diseases, disorders, or conditions of the oral cavity, maxillofacial areas, or the adjacent and associated structures and their <b>impact on the human body provided by a dentist within the scope of his education, training, and experience, in accordance with the ethics of the profession and applicable law.</b></p> <p>However, a dentist’s education, training, and experience <i>does not</i> include didactic instruction on upper airway obstruction and the pathophysiology of OSA and its indications for treatment</p>
<b>ME</b>	373§1	“Clinical medicine” includes but is not limited to: A. Direct involvement in patient evaluation, diagnosis and treatment, B. Prescribing any medication, C. Delegating medical acts or prescriptive authority, or D. The supervision of physicians, physician assistants, or advanced practice registered nurses in the practice of clinical medicine.	32 §1081	<i>Practicing dentistry.</i> A person is considered to be practicing dentistry when that person performs, or attempts or professes to perform, a dental operation or oral surgery or dental service of any kind, gratuitously or for a salary, fee, money or other remuneration paid, or to be paid, directly or indirectly to the person or to any other person or agency who is a proprietor of a place where dental operations, oral surgery or dental services are performed. <b>A person who directly or indirectly, by any means or method, takes impressions of a human tooth, teeth, jaws or performs a phase of an operation incident to the replacement of a part of a tooth; or supplies artificial substitutes for the natural teeth, or who furnishes, supplies, constructs, reproduces or repairs a prosthetic denture, bridge, appliance or any other structure to be worn in the human mouth, except on the written prescription of a duly licensed dentist; or who places dental appliances or structures in the human mouth, or adjusts or attempts or professes to adjust the same, or delivers the same to a person other than the dentist upon whose prescription the work was performed; or who professes to the public by any method to furnish, supply, construct, reproduce or repair a prosthetic denture, bridge,</b>	<p style="text-align: center;">No.</p> <p>The statute <b>ONLY</b> allows a dentist to perform a diagnosis, or professes to diagnose, prescribe for, or professes to prescribe for, treats, or professes to treat, disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws, or adjacent structure.</p> <p>In addition, the statute also states that a dentist <b>CAN</b> place an appliance or structure in the human mouth, or adjusts or attempts or professes to adjust the same, or delivers the same to any person other than the dentist upon whose <b>PRESCRIPTION</b> the work was performed.</p>

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				<p>appliance or other structure to be worn in the human mouth, or who diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats or professes to treat, disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws or adjacent structure, or who extracts or attempts to extract human teeth, or corrects or attempts to correct malformations of teeth or of the jaws is also considered to be practicing dentistry. A person who repairs or fills cavities in the human teeth; or who diagnoses, makes and adjusts appliances to artificial casts or malposed teeth for treatment of the malposed teeth in the human mouth, with or without instruction; or who uses an x-ray machine for the purpose of taking dental x rays, or who gives or professes to give interpretations or readings of dental x rays; or who administers an anesthetic of any nature in connection with a dental operation; or who uses the words dentist, dental surgeon, oral surgeon or the letters D.D.S., D.M.D. or any other words, letters, title or descriptive matter that in any way represents that person as being able to diagnose, treat, prescribe or operate for a disease, pain, deformity, deficiency, injury or physical condition of the teeth or jaws or adjacent structures; or who states, or professes or permits to be stated or professed by any means or method whatsoever that the person can perform or will attempt to perform dental operations or render a diagnosis connected with dental operations is also considered to be practicing dentistry.</p>	
<b>MD</b>	10.32.01.03	Statue addresses requirements to obtain licensure but not “practice of medicine.” Basically, MD’s can perform all procedures under their license.	§ 4-101	<p>(l) <i>Practice dentistry.</i> -- "Practice dentistry" means to:                      (1) Be a manager, a proprietor, or a conductor of or an operator in any place in which a dental service or dental operation is performed intraorally;                      (2) Perform or attempt to perform any intraoral dental service or intraoral dental operation;(3) Diagnose, treat, or attempt to diagnose or treat any disease, injury, malocclusion, or malposition of a tooth, gum, or jaw, or structures associated with a tooth, gum, or jaw if the service, operation, or procedure is included in the curricula of an accredited dental</p>	<p style="text-align: center;">No.</p> <p>A dentist can diagnose, treat, or attempt to diagnose or treat any disease, injury, malocclusion, or malposition of a tooth, gum, or jaw, or structures associated with a tooth, gum, or jaw if the service, operation, <b>or procedure is included in the curricula of an accredited dental school or in an approved dental residency program of an accredited hospital or teaching institution.</b></p> <p style="text-align: center;">However, a dentist’s curriculum does <i>not</i> include didactic</p>



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				school or in an approved dental residency program of an accredited hospital or teaching institution; (4) Perform or offer to perform dental laboratory work; (5) Place or adjust a dental appliance in a human mouth; or(6) Administer anesthesia for the purposes of dentistry and not as a medical specialty.	instruction on upper airway obstruction and the pathophysiology of OSA and its indications for treatment.
<b>MA</b>	2.01	<p><i>The Practice of Medicine</i> means the following conduct, the purpose or reasonably foreseeable effect of which is to encourage the reliance of another person upon an individual's knowledge or skill in the maintenance of human health by the prevention, alleviation, or cure of disease, and involving or reasonably thought to involve an assumption of responsibility for the other person's physical or mental wellbeing: diagnosis, treatment, use of instruments or other devices, or the prescribing, administering, dispensing or distributing of drugs for the relief of diseases or adverse physical or mental conditions.</p> <p>(a) A person who holds himself or herself out to the public as a physician or surgeon, or with the initials "M.D." or "D.O." in connection with his or her name, and who also assumes responsibility for another person's physical or mental well being, is engaged in the practice of medicine.</p> <p>(b) The Practice of Medicine includes the following:</p> <ol style="list-style-type: none"> <li>1. Telemedicine, as defined in 243 CMR 2.01: Telemedicine; and</li> <li>2. Providing an independent medical examination or a disability evaluation.</li> </ol> <p>(c) The practice of medicine does not mean the following:</p> <ol style="list-style-type: none"> <li>1. Conduct lawfully engaged in by persons licensed by other boards of registration with authority to regulate such conduct; or</li> <li>2. Assistance rendered in emergency situations by persons other than licensees.</li> </ol>	2.03	<p><i>Dentistry</i> A person shall be deemed to be practicing dentistry if he/she holds himself/herself out as being able to diagnose, treat, operate or prescribe for any disease, pain, injury, deficiency, deformity or other condition of the human teeth, alveolar process, gums or jaws, and associated parts, intra-orally or extra-orally, or if he/she either offers or undertakes by any method to diagnose, treat, operate or prescribe for any disease, pain, injury, deficiency, deformity or other condition of the same; or if he/she, except on the written prescription of a registered dentist and by the use of impressions made by a registered dentist, directly or indirectly by mail, carrier, personal agent, or by any other method, supplies, constructs, reproduces, relines, repairs, adds or directs the application of any substance, of a durable nature, to dentures, bridges, appliances or other structures to be used and worn as substitutes for natural teeth or solicits or advertises, except as permitted in M.G.L. c. 112 § 52A, to supply, construct, reproduce, repair, reline, add or direct the application of any substance, of a durable nature, to dentures, bridges, appliances or other structures to be used and worn as substitutes for natural teeth; of if he/she places such substitutes in the mouth or adjusts the same; or if he/she, except on the written prescription of a registered dentist, observes a patient's natural dentition for purposes of matching coloration or other aesthetic characteristic to aid in the fabrication or repair of a prescribed restorative appliance.</p>	<p style="text-align: center;">No.</p> <p style="text-align: center;">Statute allows a dentist to ONLY diagnose, treat, operate or prescribe for any disease, pain, injury, deficiency, deformity or other condition of the human teeth, alveolar process, gums or jaws, and associated parts, intra-orally or extra-orally.</p>

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<b>MI</b>	333.17001	<i>(f) "Practice of medicine"</i> means the diagnosis, treatment, prevention, cure, or relieving of a human disease, ailment, defect, complaint, or other physical or mental condition, by attendance, advice, device, diagnostic test, or other means, or offering, undertaking, attempting to do, or holding oneself out as able to do, any of these acts.	333.16601	<i>(d) "Practice of dentistry"</i> means the diagnosis, treatment, prescription, or operation for a disease, pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gums or jaws, or their dependent tissues, or an offer, undertaking, attempt to do, or holding oneself out as able to do any of these acts.	No.  Statute states that a dentist may ONLY diagnosis, treatment, prescription, or operation for a disease, pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gums or jaws, or their dependent tissues.
<b>MN</b>	147.081	<i>Practice of medicine defined.</i> For purposes of this chapter, a person not exempted under section 147.09 is "practicing medicine" or engaged in the "practice of medicine" if the person does any of the following: (1) advertises, holds out to the public, or represents in any manner that the person is authorized to practice medicine in this state; (2) offers or undertakes to prescribe, give, or administer any drug or medicine for the use of another; (3) offers or undertakes to prevent or to diagnose, correct, or treat in any manner or by any means, methods, devices, or instrumentalities, any disease, illness, pain, wound, fracture, infirmity, deformity or defect of any person; (4) offers or undertakes to perform any surgical operation including any invasive or noninvasive procedures involving the use of a laser or laser assisted device, upon any person; (5) offers to undertake to use hypnosis for the treatment or relief of any wound, fracture, or bodily injury, infirmity, or disease; or (6) uses in the conduct of any occupation or profession pertaining to the diagnosis of human disease or conditions, the designation "doctor of medicine," "medical doctor," "doctor of osteopathy," "osteopath," "osteopathic physician," "physician," "surgeon," "M.D.," "D.O.," or any combination of these designations.	150A.05	<i>Practice of dentistry.</i> A person shall be deemed to be practicing dentistry within the meaning of sections 150A.01 to 150A.12: (1) who uses a dental degree, or designation, or card, device, directory, sign, or other media whereby the person represents an ability to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gums or jaw, or adjacent or associated structures; (2) who is a manager, proprietor, operator or conductor of a place where dental operations are performed; (3) who performs dental operations of any kind gratuitously, or for a fee, gift, compensation or reward, paid or to be paid, to any person or agency; (4) who uses a roentgen or x-ray machine for dental treatment, roentgenograms or for dental diagnostic purposes; (5) who extracts a human tooth or teeth, or corrects or attempts to correct malpositions of the human teeth or jaws; (6) who offers and undertakes, by any means or method, to diagnose, treat or remove stains or accretions from human teeth or jaws; (7) who takes impressions of the human tooth, teeth, or jaws or performs any phase of any operation incident to the replacement of a part of a tooth, a tooth, teeth or associated tissues by means of a filling, a crown, a bridge, a denture or other appliance; (8) who furnishes, supplies, constructs, reproduces, repairs, or offers to furnish, supply, construct, reproduce or repair prosthetic dentures or plates, bridges or other substitutes for	No.  Statute states that a dentist may ONLY diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gums or jaw, or adjacent or associated structures.

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				natural teeth, to the user or prospective user thereof; or (9) who performs any clinical operation included in the curricula of recognized dental schools and colleges.	
<b>MS</b>	§73-25-33	<i>Practice of Medicine Defined.</i> The practice of medicine shall mean to suggest, recommend, prescribe, or direct for the use of any person, any drug, medicine, appliance, or other agency, whether material or not material, for the cure, relief, or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound or fracture or other bodily injury or deformity, or the practice of obstetrics or midwifery, after having received, or with the intent of receiving therefor, either directly or indirectly, any bonus, gift, profit or compensation; provided, that nothing in this section shall apply to females engaged solely in the practice of midwifery.	§ 73-9-3	<p>"Dentistry" is defined as the evaluation, diagnosis, prevention and/or treatment (nonsurgical, surgical or related procedures) of diseases, disorders and/or conditions of the oral cavity, maxillofacial area and/or the adjacent and associated structures and their impact on the human body; provided by a dentist, within the scope of his or her education, training and experience, in accordance with the ethics of the profession and applicable law, provided that nothing in this section shall be so construed as to prevent:</p> <p>(a) The practice of his or her profession by a regularly licensed and registered physician under the laws of this state unless he or she practices dentistry as a specialty; or</p> <p>(b) The performance of mechanical work upon inanimate objects by persons working in dental offices under their supervision; or</p> <p>(c) The operation of a dental laboratory and taking work by written work authorization from regularly licensed and registered dentists as provided for elsewhere in this chapter; or</p> <p>(d) Dentists from outside the state from giving educational clinics or demonstrations before a dental society, convention or association; or</p> <p>(e) Licensed dentists from outside the state from being called into Mississippi by licensed dentists of this state for consultative or operative purposes when the consultative or operative purposes have been authorized or approved by the Board of Dental Examiners for specified periods of time or as provided for by rules and regulations set forth by the board; or</p> <p>(f) Applicants for a license to practice dentistry or dental hygiene in this state from working during an examination by and under the supervision and direction of the Board of Dental Examiners; or</p>	<p style="text-align: center;">No.</p> <p style="text-align: center;">Statute states that a dentist may diagnosis, prevention and/or treatment (nonsurgical, surgical or related procedures) of diseases, disorders and/or conditions of the oral cavity, maxillofacial area and/or the adjacent and associated structures and <b>their impact on the human body; provided by a dentist, within the scope of his or her education, training and experience, in accordance with the ethics of the profession and applicable law</b></p> <p style="text-align: center;">However, a dentist's curriculum does <i>not</i> include didactic instruction on upper airway obstruction and the pathophysiology of OSA and its indications for treatment.</p>

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State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
				<p>(g) The practice of dentistry or of dental hygiene by students under the supervision of faculty in any dental school, college, or dental department of any school, college or university, or school of dental hygiene recognized by the board; or</p> <p>(h) Dental or dental hygiene students enrolled in accredited dental or dental hygiene schools from participating in off-site training recognized and approved by the board, but those activities shall not be carried on for profit; or</p> <p>(i) A regularly licensed and registered dentist from the delegation of procedures to a regularly licensed and registered dental hygienist or other competent dental auxiliary personnel while acting under the direct supervision and full responsibility of the dentist except as follows: Those procedures that require the professional judgment and skill of a dentist such as diagnosis, treatment planning, surgical procedures involving hard or soft tissues, or any intra-oral procedure of an irreversible nature that could result in injury to the patient. However, the dentist may delegate the removal of calcareous deposits only to a regularly licensed and registered dental hygienist as regulated by the State Board of Dental Examiners. All dentists and dental hygienists serving as faculty, as provided for in (g) and (h) of this section, shall be required to be licensed by the State Board of Dental Examiners.</p>	
<b>MO</b>	334.031. 1	Candidates for licenses as physicians and surgeons shall furnish satisfactory evidence of their good moral character, and their preliminary qualifications, to wit: a certificate of graduation from an accredited high school or its equivalent, and satisfactory evidence of completion of preprofessional education consisting of a minimum of sixty semester hours of college credits in acceptable subjects leading towards the degree of bachelor of arts or bachelor of science from an accredited college or university. They shall also furnish satisfactory evidence of having attended throughout at least four terms of thirty-two weeks of	332.071	<p><i>A person or other entity "practices dentistry" within the meaning of this chapter who:</i></p> <p>(1) Undertakes to do or perform dental work or dental services or dental operations or oral surgery, by any means or methods, including the use of lasers, gratuitously or for a salary or fee or other reward, paid directly or indirectly to the person or to any other person or entity;</p> <p>(2) Diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats or professes to treat, any disease, pain, deformity, deficiency, injury or physical condition of human teeth or adjacent structures or treats or</p>	<p align="center">No.</p> <p align="center">Statute states that a dentist may ONLY diagnose or professes to diagnose, prescribes for or professes to prescribe for, treats or professes to treat, any disease, pain, deformity, deficiency, injury or physical condition of human teeth or adjacent structures or treats or professes to treat any disease or disorder or lesions of the oral regions.</p>

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		<p>actual instructions in each term and of having received a diploma from some reputable medical college or osteopathic college that enforces requirements of four terms of thirty-two weeks for actual instruction in each term, including, in addition to class work, such experience in operative and hospital work during the last two years of instruction as is required by the American Medical Association and the American Osteopathic Association before the college is approved and accredited as reputable. Any medical college approved and accredited as reputable by the American Medical Association or the Liaison Committee on Medical Education and any osteopathic college approved and accredited as reputable by the American Osteopathic Association is deemed to have complied with the requirements of this subsection.</p> <p>2. In determining the qualifications necessary for licensure as a qualified physician and surgeon, the board, by rule and regulation, may accept the certificate of the National Board of Medical Examiners of the United States, chartered pursuant to the laws of the District of Columbia, of the National Board of Examiners for Osteopathic Physicians and Surgeons chartered pursuant to the laws of the state of Indiana, or of the Licentiate of the Medical Counsel of Canada (LMCC) in lieu of and as equivalent to its own professional examination. Every applicant for a license on the basis of such certificate, upon making application showing necessary qualifications as provided in subsection 1 of this section, shall be required to pay the same fee required of applicants to take the examination before the board.</p>		<p>professes to treat any disease or disorder or lesions of the oral regions;</p> <p>(3) Attempts to or does replace or restore a part or portion of a human tooth;</p> <p>(4) Attempts to or does extract human teeth or attempts to or does correct malformations of human teeth or jaws;</p> <p>(5) Attempts to or does adjust an appliance or appliances for use in or used in connection with malposed teeth in the human mouth;</p> <p>(6) Interprets or professes to interpret or read dental radiographs;</p> <p>(7) Administers an anesthetic in connection with dental services or dental operations or dental surgery;</p> <p>(8) Undertakes to or does remove hard and soft deposits from or polishes natural and restored surfaces of teeth;</p> <p>(9) Uses or permits to be used for the person's benefit or for the benefit of any other person or other entity the following titles or words in connection with the person's name: "Doctor", "Dentist", "Dr.", "D.D.S.", or "D.M.D.", or any other letters, titles, degrees or descriptive matter which directly or indirectly indicate or imply that the person is willing or able to perform any type of dental service for any person or persons, or uses or permits the use of for the person's benefit or for the benefit of any other person or other entity any card, directory, poster, sign or any other means by which the person indicates or implies or represents that the person is willing or able to perform any type of dental services or operation for any person;</p> <p>(10) Directly or indirectly owns, leases, operates, maintains, manages or conducts an office or establishment of any kind in which dental services or dental operations of any kind are performed for any purpose; but this section shall not be construed to prevent owners or lessees of real estate from lawfully leasing premises to those who are qualified to practice dentistry within the meaning of this chapter;</p> <p>(11) Controls, influences, attempts to control or influence, or otherwise interferes with the dentist's independent professional</p>	

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				<p>judgment regarding the diagnosis or treatment of a dental disease, disorder, or physical condition except that any opinion rendered by any health care professional licensed under this chapter or chapter 330, 331, 334, 335, 336, 337, or 338 regarding the diagnosis, treatment, disorder, or physical condition of any patient shall not be construed to control, influence, attempt to control or influence or otherwise interfere with a dentist's independent professional judgment;</p> <p>(12) Constructs, supplies, reproduces or repairs any prosthetic denture, bridge, artificial restoration, appliance or other structure to be used or worn as a substitute for natural teeth, except when one, not a registered and licensed dentist, does so pursuant to a written uniform laboratory work order, in the form prescribed by the board, of a dentist registered and currently licensed in Missouri and which the substitute in this subdivision described is constructed upon or by use of casts or models made from an impression furnished by a dentist registered and currently licensed in Missouri;</p> <p>(13) Attempts to or does place any substitute described in subdivision (12) of this section in a human mouth or attempts to or professes to adjust any substitute or delivers any substitute to any person other than the dentist upon whose order the work in producing the substitute was performed;</p> <p>(14) Advertises, solicits, or offers to or does sell or deliver any substitute described in subdivision (12) of this section or offers to or does sell the person's services in constructing, reproducing, supplying or repairing the substitute to any person other than a registered and licensed dentist in Missouri;</p> <p>(15) Undertakes to do or perform any physical evaluation of a patient in the person's office or in a hospital, clinic, or other medical or dental facility prior to or incident to the performance of any dental services, dental operations, or dental surgery;</p> <p>(16) Reviews examination findings, x-rays, or other patient data to make judgments or decisions about the dental care rendered to a patient in this state.</p>	

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State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
<b>MT</b>	37-3-102	(8) "Practice of medicine" means the diagnosis, treatment, or correction of or the attempt to or the holding of oneself out as being able to diagnose, treat, or correct human conditions, ailments, diseases, injuries, or infirmities, whether physical or mental, by any means, methods, devices, or instrumentalities. If a person who does not possess a license to practice medicine in this state under this chapter and who is not exempt from the licensing requirements of this chapter performs acts constituting the practice of medicine, the person is practicing medicine in violation of this chapter.	37-4-101	(2) Except for the provisions of 37-4-104, a person is practicing dentistry under this chapter if the person: (a) performs, attempts, advertises to perform, causes to be performed by the patient or any other person, or instructs in the performance of dental operations, oral surgery, or dental service of any kind gratuitously or for a salary, fee, money, or other remuneration paid or to be paid, directly or indirectly, to the person, any other person, or any agency; (b) is a manager, proprietor, operator, or conductor of a place where dental operations, oral surgery, or dental services are performed, unless the person is the personal representative of the estate of a deceased dentist or the personal representative of a disabled dentist, as provided in 37-4-104; (c) directly or indirectly, by any means or method, furnishes, supplies, constructs, reproduces, or repairs a prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth; (d) places the appliance or structure in the human mouth or attempts to adjust it; (e) advertises to the public, by any method, to furnish, supply, construct, reproduce, or repair a prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth; (f) diagnoses, professes to diagnose, prescribes for, professes to prescribe for, treats, or professes to treat disease, pain, deformity, deficiency, injury, or physical condition of human teeth, jaws, or adjacent structures; (g) extracts or attempts to extract human teeth or corrects, attempts, or professes to correct malpositions of teeth or of the jaw; (h) gives or professes to give interpretations or readings of dental roentgenograms; (i) administers an anesthetic of any nature, subject to the	No.  Diagnoses, professes to diagnose, prescribes for, professes to prescribe for, treats, or professes to treat disease, pain, deformity, deficiency, injury, or physical condition of <b>human teeth, jaws, or adjacent structures;</b>

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				limitations provided in 37-4-511, in connection with a dental operation; (j) uses the words "dentist", "dental surgeon", or "oral surgeon", the letters "D.D.S." or "D.M.D.", or any other words, letters, title, or descriptive matter that in any way represents the person as being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of human teeth, jaws, or adjacent structures; (k) states, advertises, or permits to be stated or advertised, by sign, card, circular, handbill, newspaper, radio, or otherwise, that the person can perform or will attempt to perform dental operations or render a diagnosis in connection with dental operations; or (l) engages in any of the practices included in the curricula of recognized dental colleges.	
<b>NE</b>	38-2024	<i>Practice of medicine and surgery, defined.</i> For purposes of the Uniform Credentialing Act, and except as provided in section 38-2025 or as otherwise provided by law, the following classes of persons shall be deemed to be engaged in the practice of medicine and surgery: (1) Persons who publicly profess to be physicians or surgeons or publicly profess to assume the duties incident to the practice of medicine, surgery, or any of their branches; (2) Persons who prescribe and furnish medicine for some illness, disease, ailment, injury, pain, deformity, or any physical or mental condition, or treat the same by surgery; (3) Persons holding themselves out to the public as being qualified in the diagnosis or treatment of diseases, ailments, pain, deformity, or any physical or mental condition, or injuries of human beings; (4) Persons who suggest, recommend, or prescribe any form of treatment for the intended palliation, relief, or cure of any physical or mental ailment of	38-1115	<i>Dentistry practice, defined.</i> Any person shall be deemed to be practicing dentistry who: (1) Performs, or attempts or professes to perform, any dental operation or oral surgery or dental service of any kind, gratuitously or for a salary, fee, money, or other remuneration paid, or to be paid directly or indirectly, to such person or to any other person or agency who is a proprietor of a place where dental operations, oral surgery, or dental services are performed; (2) Directly or indirectly, by any means or method, takes impression of the human tooth, teeth, jaws, or performs any phase of any operation incident to the replacement of a part of a tooth; (3) Supplies artificial substitutes for the natural teeth or furnishes, supplies, constructs, reproduces, or repairs any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth, except on the written work authorization of a duly licensed and registered dentist; (4) Places such appliance or structure in the human mouth, adjusts or attempts or professes to adjust the same, or delivers the same to any person other than the dentist upon whose work	No.  Scope of practice for dentists refers to human tooth, teeth, jaws, or oral cavity.



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		<p>any person;                      (5) Persons who maintain an office for the examination or treatment of persons afflicted with ailments, diseases, injuries, pain, deformity, or any physical or mental condition of human beings;                      (6) Persons who attach to their name the title of M.D., surgeon, physician, physician and surgeon, or any word or abbreviation and who indicate that they are engaged in the treatment or diagnosis of ailments, diseases, injuries, pain, deformity, infirmity, or any physical or mental condition of human beings; and                      (7) Persons who are physically located in another state but who, through the use of any medium, including an electronic medium, perform for compensation any service which constitutes the healing arts that would affect the diagnosis or treatment of an individual located in this state.</p>		<p>authorization the work was performed;                      (5) Professes to the public by any method to furnish, supply, construct, reproduce, or repair any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth;                      (6) Diagnoses, professes to diagnose, prescribes for, professes to prescribe for, treats, or professes to treat disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure;                      (7) Extracts or attempts to extract human teeth or corrects or attempts to correct malformations of teeth or of the jaws;                      (8) Repairs or fills cavities in the human teeth;                      (9) Diagnoses, makes, and adjusts appliances to artificial casts or malposed teeth for treatment of the malposed teeth in the human mouth, with or without instruction;                      (10) Uses a roentgen or X-ray machine for the purpose of taking dental X-rays or roentgenograms;                      (11) Gives or professes to give interpretations or readings of dental X-rays or roentgenograms;                      (12) Administers an anesthetic of any nature in connection with a dental operation;                      (13) Uses the words dentist, dental surgeon, or oral surgeon, the letters D.D.S. or D.M.D., or any other words, letters, title, or descriptive matter which in any way represents such person as being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of the teeth or jaws or adjacent structures; or                      (14) States, professes, or permits to be stated or professed by any means or method whatsoever that he or she can perform or will attempt to perform dental operations or render a diagnosis connected therewith.</p>	
<b>NV</b>	630.020	<p><i>“Practice of medicine” defined. “Practice of medicine” means:</i>                      1. To diagnose, treat, correct, prevent or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality, including, but not</p>	631.215	<p><i>Persons deemed to be practicing dentistry; regulations regarding clinical practice of dentistry.</i>                      1. Any person shall be deemed to be practicing dentistry who:                      (a) Uses words or any letters or title in connection with his or her name which in any way represents the person as engaged</p>	<p align="center">No.</p> <p>Although the statute states that a dentist may evaluate or diagnose, profess to evaluate or diagnose or treats or professes to treat, surgically or nonsurgically, any of the diseases, disorders, conditions or lesions of the oral cavity, maxillofacial area or the</p>

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		<p>limited to, the performance of an autopsy.</p> <p>2. To apply principles or techniques of medical science in the diagnosis or the prevention of any such conditions.</p> <p>3. To perform any of the acts described in subsections 1 and 2 by using equipment that transfers information concerning the medical condition of the patient electronically, telephonically or by fiber optics from within or outside this State or the United States.</p>		<p>in the practice of dentistry, or any branch thereof;</p> <p>(b) Advertises or permits to be advertised by any medium that the person can or will attempt to perform dental operations of any kind;</p> <p>(c) Evaluates or diagnoses, professes to evaluate or diagnose or treats or professes to treat, surgically or nonsurgically, any of the diseases, disorders, conditions or lesions of the oral cavity, maxillofacial area or the adjacent and associated structures and their impact on the human body.</p> <p>(d) Extracts teeth;</p> <p>(e) Corrects malpositions of the teeth or jaws;</p> <p>(f) Takes impressions of the teeth, mouth or gums, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;</p> <p>(g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;</p> <p>(h) Places in the mouth and adjusts or alters artificial teeth;</p> <p>(i) Does any practice included in the clinical dental curricula of accredited dental colleges or a residency program for those colleges;</p> <p>(j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases;</p> <p>(k) Uses X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;</p> <p>(l) Determines:</p> <p style="padding-left: 20px;">(1) Whether a particular treatment is necessary or advisable; or</p> <p style="padding-left: 20px;">(2) Which particular treatment is necessary or advisable; or</p> <p>(m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is:</p> <p style="padding-left: 20px;">(1) Dispensing or using a product that may be purchased over the counter for a person's own use; or</p> <p style="padding-left: 20px;">(2) Authorized by the regulations of the Board to engage in</p>	<p>adjacent and associated structures and their impact on the human body</p> <p>Snoring – benign or otherwise – and OSA represent a continuum of sleep-disordered breathing diagnoses. Because of significant symptom overlap, these conditions are distinguishable only after evaluation by a physician and objective testing</p>

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				<p>such activities without being a licensed dentist.</p> <p>2. Nothing in this section:</p> <p>(a) Prevents a dental assistant, dental hygienist or qualified technician from making radiograms or X-ray exposures or using X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes upon the direction of a licensed dentist.</p> <p>(b) Prohibits the performance of mechanical work, on inanimate objects only, by any person employed in or operating a dental laboratory upon the written work authorization of a licensed dentist.</p> <p>(c) Prevents students from performing dental procedures that are part of the curricula of an accredited dental school or college or an accredited school of dental hygiene or an accredited school of dental assisting.</p> <p>(d) Prevents a licensed dentist or dental hygienist from another state or country from appearing as a clinician for demonstrating certain methods of technical procedures before a dental society or organization, convention or dental college or an accredited school of dental hygiene or an accredited school of dental assisting.</p> <p>(e) Prohibits the manufacturing of artificial teeth upon receipt of a written authorization from a licensed dentist if the manufacturing does not require direct contact with the patient.</p> <p>(f) Prohibits the following entities from owning or operating a dental office or clinic if the entity complies with the provisions of NRS 631.3452:</p> <p>(1) A nonprofit corporation organized pursuant to the provisions of chapter 82 of NRS to provide dental services to rural areas and medically underserved populations of migrant or homeless persons or persons in rural communities pursuant to the provisions of 42 U.S.C. § 254b or 254c.</p> <p>(2) A federally-qualified health center as defined in 42 U.S.C. § 1396d(1)(2)(B) operating in compliance with other applicable state and federal law.</p> <p>(3) A nonprofit charitable corporation as described in</p>	

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				<p>section 501(c)(3) of the Internal Revenue Code and determined by the Board to be providing dental services by volunteer licensed dentists at no charge or at a substantially reduced charge to populations with limited access to dental care.</p> <p>(g) Prevents a person who is actively licensed as a dentist in another jurisdiction from treating a patient if:</p> <ul style="list-style-type: none"> <li>(1) The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;</li> <li>(2) The dentist treats the patient only during a course of continuing education involving live patients which: <ul style="list-style-type: none"> <li>(I) Is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and</li> <li>(3) The dentist treats the patient only under the supervision of a person licensed pursuant to NRS 631.2715.</li> </ul> </li> </ul> <p>(h) Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:</p> <ul style="list-style-type: none"> <li>(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits of the dental practice, office or clinic; or</li> <li>(2) Exercise any authority or control over the clinical practice of dentistry.</li> </ul> <p>3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:</p> <ul style="list-style-type: none"> <li>(a) Exert authority or control over the clinical judgment of a licensed dentist; or</li> <li>(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.</li> </ul> <p>È Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity</p>	

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				organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.	
<b>NH</b>	329:1	<i>Practice.</i> – Any person shall be regarded as practicing medicine under the meaning of this chapter who shall diagnose, treat, perform surgery, or prescribe any treatment of medicine for any disease or human ailment. "Surgery" means any procedure, including but not limited to laser, in which human tissue is cut, shaped, burned, vaporized, or otherwise structurally altered, except that this section shall not apply to any person to whom authority is given by any other statute to perform acts which might otherwise be deemed the practice of medicine. "Laser" means light amplification by stimulated emission of radiation.	317-A:20	<p><i>I. A person shall be regarded as practicing dentistry within the meaning of this chapter who:</i></p> <p>(a) Uses or permits to be used, directly or indirectly, for profit or otherwise, for that person or for any other person, in connection with the person's name, the word "dentist", or "dental surgeon", or the title "D.D.S." or "D.M.D.", or any other words, letters, titles, or descriptive matter, personal or not, which directly or indirectly imply the practice of dentistry;</p> <p>(b) Owns, leases, maintains, or operates a dental business in any office or other room or rooms where dental operations are performed, or directly or indirectly is manager, proprietor, or conductor of the same;</p> <p>(c) Directly or indirectly informs the public in any language, orally, in writing, or in printing, or by drawings, demonstrations, specimens, signs, or pictures that the person can perform or will attempt to perform dental operations of any kind;</p> <p>(d) Undertakes, by any means or method, including by use of electronic media, gratuitously or for a salary, fee, money, or other reward paid or granted directly or indirectly to that person or to any other person, to diagnose or profess to diagnose, to treat or profess to treat, or prescribe for or profess to prescribe for any of the lesions, diseases, disorders, or deficiencies of the human oral cavity, teeth, gums, maxilla, or mandible or adjacent associated structures;</p> <p>(e) Supervises a dentist within the scope of the practice of dentistry;</p> <p>(f) Except on the written prescription of a duly licensed dentist and by the use of impressions or casts made by a duly licensed and practicing dentist, directly or indirectly by mail, carrier, personal agent, or by any other method, furnishes, supplies, constructs, reproduces, or repairs prosthetic dentures, bridges,</p>	<p style="text-align: center;">No.</p> <p style="text-align: center;">The statute ONLY addresses which procedures a dentist can perform within the human oral cavity.</p>

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				<p>appliances, or other structures to be used and worn as substitutes for natural teeth, or adjusts the same;</p> <p>(g) Administers dental anesthetics, either general or local; or</p> <p>(h) Dispenses teeth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is dispensing or using a product that may be purchased over the counter for the person's own use, or is authorized under rules adopted by the board to engage in such activities without being a licensed dentist.</p> <p>II. Any dentist who wishes to administer general anesthesia, deep sedation, or moderate sedation shall apply to the board for the appropriate permit and pay an application fee set by the board in accordance with RSA 317-A:12, XII-a.</p> <p>III. Nothing in this section shall prevent:</p> <p>(a) Physicians or surgeons licensed under RSA 329 from practicing dentistry incidental to their practice of medicine.</p> <p>(b) Students from American Dental Association accredited schools from practicing in hospitals or other institutions under the supervision of a faculty member of an American Dental Association accredited school who is also licensed under this chapter.</p> <p>(c) A health care charitable trust, as defined under RSA 7:32-d, V, from owning, leasing, maintaining, or operating a dental clinic where dental operations are performed, provided:</p> <p>(1) The health care charitable trust is a not-for-profit corporation under RSA 292 and section 501(c)(3) of the Internal Revenue Code;</p> <p>(2) The health care charitable trust complies with the provisions of RSA 7:19 through RSA 7:32-1; and</p> <p>(3) The practice of dentistry conducted under the authority of the health care charitable trust shall be under the supervision of a dentist licensed by the board. The health care charitable trust shall notify the board in writing of the name and location of the dental clinic and the name of the supervising dentist, and shall notify the board within 10 days of any change of the supervising dentist.</p> <p>(d) Graduates from an American Dental Association</p>	

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				<p>accredited school from practicing in an American Dental Association accredited residency program under the supervision of a dentist holding an active license issued by the board for the duration of the residency program.</p> <p>(e) A consultant, who does not have a license issued by the board or by the New Hampshire board of medicine, from providing a consulting or expert opinion to a New Hampshire licensed dentist regarding a patient, if the consultant is a legally licensed physician or dentist in another state or Canada and has no contact with the patient. The New Hampshire licensed dentist shall bear responsibility for patient diagnosis and treatment.</p> <p>IV. Such things as the board shall determine to be "dental hygiene" under RSA 317-A:12 or RSA 317-A:21-c shall not be deemed to be the practice of dentistry within the meaning of this section.</p>	
NJ	45:9-5.1	<p><i>"the practice of medicine or surgery" and the phrase "the practice of medicine and surgery" shall include the practice of any branch of medicine and/or surgery, and any method of treatment of human ailment, disease, pain, injury, deformity, mental or physical condition, and the term "physician and surgeon" or "physician or surgeon" shall be deemed to include practitioners in any branch of medicine and/or surgery or method of treatment of human ailment, disease, pain, injury, deformity, mental or physical condition. Within the meaning of this act, except as herein otherwise specifically provided, and except for the purposes of the exemptions hereinafter contained in sections 45:9-14.1 to 45:9-14.10, inclusive, the practice of medicine and/or surgery shall be deemed to include, inter alia, the practice of osteopathy, and nothing herein contained shall be construed to exempt the holder of a license issued under or validated by the provisions contained in sections 45:9-14.1 to 45:9-14.10, inclusive, from the</i></p>	45:6-19	<p><i>"Practicing dentistry" defined Any person shall be regarded as practicing dentistry within the meaning of this chapter who</i></p> <p>(1) Uses a dental degree, or the terms "mechanical dentist" or the use of the word "dentist" in English or any foreign language, or designation, or card, device, directory, poster, sign, or other media whereby he represents himself as being able to diagnose, treat, prescribe or operate for any disease, pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gums, cheek, or jaws, or oral cavity and associated tissues; or</p> <p>(2) Is a manager, proprietor, operator, or conductor of a place where dental operations are performed; or</p> <p>(3) Performs dental operations of any kind gratuitously, or for a fee, gift, compensation or reward, paid or to be paid, either to himself or to another person or agency; or</p> <p>(4) Uses himself or by any employee, uses a Roentgen or X-ray machine for dental treatment, dental radiograms, or for dental diagnostic purposes; or</p> <p>(5) Extracts a human tooth or teeth, or corrects or attempts to correct malpositions of the human teeth or jaws; or</p>	<p style="text-align: center;">No.</p> <p>Statute allows for a dentist to ONLY diagnose, treat, prescribe or operate for any disease, pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gums, cheek, or jaws, or oral cavity and associated tissues.</p>

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		<p>operation of the provisions contained in section 45:9-16 of this Title.</p> <p>A professional school or college shall be taken to mean a medical school or college or other school or college having purposes similar to a medical school or college; provided, however, that as to any applicant for a license under the provisions of this chapter who, prior to October first, one thousand nine hundred and thirty-five, matriculated in such a school or college, a professional school or college shall, for the purposes of the provisions contained in sections 45:9-6 to 45:9-11, inclusive, be taken to mean a medical school or college which required the study of medicine and surgery in all of its branches. In all instances, unless otherwise provided, such school or college shall be approved by the board.</p>		<p>(6) Offers and undertakes, by any means or method, to diagnose, treat or remove stains or concretions from human teeth or jaws; or</p> <p>(7) Uses or administers local or general anesthetics in the treatment of dental or oral diseases or in any preparation incident to a dental operation of any kind or character; or</p> <p>(8) Takes impressions of the human tooth, teeth, jaws, or performs any phase of any operation incident to the replacement of a part of a tooth, teeth, or associated tissues; or</p> <p>(9) Performs any clinical operation included in the curricula of recognized dental schools or colleges.</p> <p>The terms manager, proprietor, operator or conductor as used in this chapter shall be deemed to include any person who</p> <p>(1) Employs operators or assistants; or</p> <p>(2) Places in the possession of any operator, assistant, or other agent such dental material or equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation for the use of such material, equipment or office; or</p> <p>(3) Retains the ownership or control of dental material, equipment or office and makes the same available in any manner for the use by operators, assistants or other agents; provided, however, that the above shall not apply to bona fide sales of dental material or equipment secured by chattel mortgage.</p> <p>The following practices, acts and operations shall not be regarded as practicing dentistry within the meaning of this chapter:</p> <p>(1) The treatment of the diseases of the mouth and practice of oral surgery, in the practice of his profession, by a physician or surgeon, licensed as such under the laws of this State, unless he undertakes to reproduce or reproduces lost parts of the human teeth in the mouth or to restore or replace lost or missing teeth in the mouth; or</p> <p>(2) The practice of dentistry in the discharge of their duties by dentists in the United States Army, Navy, Public Health Service or Veterans Bureau; or</p>	



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				<p>(3) The operation of a dental school or college as now conducted and approved, or as may be approved, by the Board of Dental Examiners; and the practice of dentistry by students in any such dental school or college approved by the board, when acting under the direction and supervision of any registered and licensed dentist acting as instructor; or</p> <p>(4) The practice of dentistry by licensed dentists of other States or countries at meetings of the American Dental Association or component parts thereof, or any other like dental organizations, while appearing as clinicians; or</p> <p>(5) The practice of dentistry by accredited internes operating in hospitals under the supervision of registered and licensed dentists; or</p> <p>(6) The use of Roentgen or other rays for making radiograms or similar records of dental or oral tissues under the supervision of a licensed dentist or physician; provided, however, that such services shall not be advertised, by any name whatsoever, as an aid or inducement to secure dental patronage; and provided, further, that no corporation shall advertise that it has, leases, owns or operates a Roentgen or X-ray machine for the purpose of making dental radiograms of the human teeth or tissues of the oral cavity, or administering treatment thereto for any disease thereof; or</p> <p>(7) The making of artificial restorations, substitutes, or appliances for the correction of disease, loss, deformity, malposition, dislocation, fracture, or injury to the jaws, teeth, lips, gums, cheeks, palate, or cases, models, or from impressions furnished by a licensed and registered dentist, on written prescription only; provided, that such prosthetic or orthodontic appliances, or the services rendered in the construction, repair, or alteration thereof, shall not be advertised, sold or delivered, directly or indirectly, to the public by the dental technician or dental laboratory as principal or agent.</p>	
<b>NM</b>	61-6-6	J. The practice of medicine consists of: (1) Advertising, holding out to the public or	61-5A-4	<i>A. As used in the Dental Health Care Act, "practice of dentistry" means:</i>	No.

### State Medical & Dental Scope of Practice

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments <b>Does the Statute allow a DDS to diagnose and treat a patient with OSA?</b>
		<p>representing in any manner that one is authorized to practice medicine in this states;</p> <p>(2) offering or undertaking to administer, dispense or prescribe a drug or medicine for the use of another person, except as authorized pursuant to a professional or occupational licensing statute set forth in Chapter 61 NMSA 1978;</p> <p>(3) offering or undertaking to give or administer, dispense or prescribe a drug or medicine for the use of another person, except as directed by a licensed physician;</p> <p>(4) offering or undertaking to perform an operation or procedure upon a person;</p> <p>(5) offering or undertaking to diagnose, correct or treat in any manner or by any means, methods, devices or instrumentalities any disease, illness, pain, wound, fracture, infirmity, deformity, defect or abnormal physical or mental condition of a person;</p> <p>(6) offering medical peer review, utilization review or diagnostic service of any kind that directly influences patient care, except as authorized pursuant to a professional or occupational licensing statute set forth in Chapter 61 NMSA 1978; or</p> <p>(7) acting as the representative or agent of a person in doing any of the things listed in this subsection.</p>		<p>(1) the diagnosis, treatment, correction, change, relief, prevention, prescription of remedy, surgical operation and adjunctive treatment for any disease, pain, deformity, deficiency, injury, defect, lesion or physical condition involving both the functional and aesthetic aspects of the teeth, gingivae, jaws and adjacent hard and soft tissue of the oral and maxillofacial regions, including the 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 gratuitously or for any fee, reward, emolument or any other form of compensation whether direct or indirect;</p> <p>(2) representation of an ability or willingness to do any act mentioned in Paragraph (1) of this subsection;</p> <p>(3) the review of dental insurance claims for therapeutic appropriateness of treatment, including but not limited to the interpretation of radiographs, photographs, models, periodontal records and narratives;</p> <p>(4) the offering of advice or authoritative comment regarding the appropriateness of dental therapies, the need for recommended treatment or the efficacy of specific treatment modalities for other than the purpose of consultation to another dentist; or</p> <p>(5) with specific reference to the teeth, gingivae, jaws or adjacent hard or soft tissues of the oral and maxillofacial region in living persons, to propose, agree or attempt to do or make an examination or give an estimate of cost with intent to, or undertaking to:</p> <p>(a) perform a physical evaluation of a patient in an office or in a hospital, clinic or other medical or dental facility prior to, incident to and appropriate to the performance of any dental services or oral or maxillofacial surgery;</p> <p>(b) perform surgery, an extraction or any other operation or to administer an anesthetic in connection therewith;</p> <p>(c) diagnose or treat a condition, disease, pain, deformity, deficiency, injury, lesion or other physical condition;</p> <p>(d) correct a malposition;</p>	<p>Statute allows for ONLY the diagnosis, treatment, correction, change, relief, prevention, prescription of remedy, surgical operation and adjunctive treatment for any disease, pain, deformity, deficiency, injury, defect, lesion or physical condition involving both the functional and aesthetic <b>aspects of the teeth, gingivae, jaws and adjacent hard and soft tissue of the oral and maxillofacial regions</b>, including the 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 gratuitously or for any fee, reward, emolument or any other form of compensation whether direct or indirect;</p>

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				(e) treat a fracture; (f) remove calcareous deposits; (g) replace missing anatomy with an artificial substitute; (h) construct, make, furnish, supply, reproduce, alter or repair an artificial substitute or restorative or corrective appliance or place an artificial substitute or restorative or corrective appliance in the mouth or attempt to adjust it; (i) give interpretations or readings of dental radiographs; (j) provide limited diagnostic and treatment planning via teledentistry; or (k) do any other remedial, corrective or restorative work.	
NY	§6521	<i>Definition of practice of medicine.</i> The practice of the profession of medicine is defined as diagnosing, treating, operating or prescribing for any human disease, pain, injury, deformity or physical condition.	§ 6601	<i>Definition of practice of dentistry.</i> The practice of the profession of dentistry is defined as diagnosing, treating, operating, or prescribing for any disease, pain, injury, deformity, or physical condition of the oral and maxillofacial area related to restoring and maintaining dental health. The practice of dentistry includes the prescribing and fabrication of dental prostheses and appliances. The practice of dentistry may include performing physical evaluations in conjunction with the provision of dental treatment.	No.  Definition ONLY pertains to the diagnosing, treating, operating, or prescribing for any disease, pain, injury, deformity, or physical condition of the oral and maxillofacial area related to restoring and maintaining dental health.
NC	§ 90-1.1	<i>(5) The practice of medicine or surgery.</i> - Except as otherwise provided by this subdivision, the practice of medicine or surgery, for purposes of this Article, includes any of the following acts: a. Advertising, holding out to the public, or representing in any manner that the individual is authorized to practice medicine in this State. b. Offering or undertaking to prescribe, order, give, or administer any drug or medicine for the use of any other individual. c. Offering or undertaking to prevent or diagnose, correct, prescribe for, administer to, or treat in any manner or by any means, methods, or devices any disease, illness, pain, wound, fracture, infirmity, defect, or abnormal physical or mental condition of	§ 90-29	<i>(b) A person shall be deemed to be practicing dentistry in this State who does, undertakes or attempts to do, or claims the ability to do any one or more of the following acts or things which, for the purposes of this Article, constitute the practice of dentistry:</i> (1) Diagnoses, treats, operates, or prescribes for any disease, disorder, pain, deformity, injury, deficiency, defect, or other physical condition of the human teeth, gums, alveolar process, jaws, maxilla, mandible, or adjacent tissues or structures of the oral cavity; (2) Removes stains, accretions or deposits from the human teeth; (3) Extracts a human tooth or teeth; (4) Performs any phase of any operation relative or incident to the replacement or restoration of all or a part of a human tooth	No.  Statute ONLY allows for a dentist to diagnose, treat, operate, or prescribe for any disease, disorder, pain, deformity, injury, deficiency, defect, or other physical condition of the human teeth, gums, alveolar process, jaws, maxilla, mandible, or adjacent tissues or structures of the oral cavity.

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		<p>any individual, including the management of pregnancy or parturition.</p> <p>d. Offering or undertaking to perform any surgical operation on any individual.</p> <p>e. Using the designation "Doctor," "Doctor of Medicine," "Doctor of Osteopathy," "Doctor of Osteopathic Medicine," "Physician," "Surgeon," "Physician and Surgeon," "Dr.," "M.D.," "D.O.," or any combination thereof in the conduct of any occupation or profession pertaining to the prevention, diagnosis, or treatment of human disease or condition, unless the designation additionally contains the description of or reference to another branch of the healing arts for which the individual holds a valid license in this State or the use of the designation "Doctor" or "Physician" is otherwise specifically permitted by law.</p> <p>f. The performance of any act, within or without this State, described in this subdivision by use of any electronic or other means, including the Internet or telephone.</p> <p>The administration of required lethal substances or any assistance whatsoever rendered with an execution under Article 19 of Chapter 15 of the General Statutes does not constitute the practice of medicine or surgery.</p>		<p>or teeth with any artificial substance, material or device;</p> <p>(5) Corrects the malposition or malformation of the human teeth;</p> <p>(6) Administers an anesthetic of any kind in the treatment of dental or oral diseases or physical conditions, or in preparation for or incident to any operation within the oral cavity; provided, however, that this subsection shall not apply to a lawfully qualified nurse anesthetist who administers such anesthetic under the supervision and direction of a licensed dentist or physician;</p> <p>(6a) Expired pursuant to Session Laws 1991, c. 678, s. 2.</p> <p>(7) Takes or makes an impression of the human teeth, gums or jaws;</p> <p>(8) Makes, builds, constructs, furnishes, processes, reproduces, repairs, adjusts, supplies or professionally places in the human mouth any prosthetic denture, bridge, appliance, corrective device, or other structure designed or constructed as a substitute for a natural human tooth or teeth or as an aid in the treatment of the malposition or malformation of a tooth or teeth, except to the extent the same may lawfully be performed in accordance with the provisions of G.S. 90-29.1 and 90-29.2;</p> <p>(9) Uses a Roentgen or X-ray machine or device for dental treatment or diagnostic purposes, or gives interpretations or readings of dental Roentgenograms or X rays;</p> <p>(10) Performs or engages in any of the clinical practices included in the curricula of recognized dental schools or colleges;</p> <p>(11) Owns, manages, supervises, controls or conducts, either himself or by and through another person or other persons, any enterprise wherein any one or more of the acts or practices set forth in subdivisions (1) through (10) above are done, attempted to be done, or represented to be done;</p> <p>(12) Uses, in connection with his name, any title or designation, such as "dentist," "dental surgeon," "doctor of dental surgery," "D.D.S.," "D.M.D.," or any other letters, words or descriptive matter which, in any manner, represents him as being a dentist able or qualified to do or perform any</p>	

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				one or more of the acts or practices set forth in subdivisions (1) through (10) above; (13) Represents to the public, by any advertisement or announcement, by or through any media, the ability or qualification to do or perform any of the acts or practices set forth in subdivisions (1) through (10) above qualification to do or perform any of the acts or practices set forth in subdivisions (1) through (10) above.	
<b>ND</b>	43-17-01	<p>3. "Practice of medicine" includes the practice of medicine, surgery, and obstetrics. The following persons must be regarded as practicing medicine:</p> <p>a. One who holds out to the public as being engaged within this state in the diagnosis or treatment of diseases or injuries of human beings.</p> <p>b. One who suggests, recommends, or prescribes any form of treatment for the intended relief or cure of any physical or mental ailment of any person, with the intention of receiving, directly or indirectly, any fee, gift, or compensation.</p> <p>c. One who maintains an office for the examination or treatment of persons afflicted with disease or injury of the body or mind.</p> <p>d. One who attaches the title M.D., surgeon, doctor, D.O., osteopathic physician and surgeon, or any other similar word or words or abbreviation to the person's name, indicating that the person is engaged in the treatment or diagnosis of the diseases or injuries of human beings must be held to be engaged in the practice of medicine.</p>	43-28-01	<p>7. "Practice of dentistry" means examination, diagnosis, treatment, repair, administration of local or general anesthetics, prescriptions, or surgery of or for any disease, disorder, deficiency, deformity, discoloration, condition, lesion, injury, or pain of the human oral cavity, teeth, gingivae, and soft tissues, and the diagnosis, surgical, and adjunctive treatment of the diseases, injuries, and defects of the upper and lower human jaw and associated structures.</p>	<p style="text-align: center;">No.</p> <p style="text-align: center;">Statute pertains to ONLY the soft tissues, and the diagnosis, surgical, and adjunctive treatment of the diseases, injuries, and defects of the upper and lower human jaw and associated structures.</p>
<b>OH</b>	4731.34	(A) A person shall be regarded as practicing medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, within the meaning of this chapter, who does any of the following:	4715.01	Any person shall be regarded as practicing dentistry, who is a manager, proprietor, operator, or conductor of a place for performing dental operations, or who teaches clinical dentistry, or who performs, or advertises to perform, dental operations of any kind, or who diagnoses or treats diseases or lesions of	<p style="text-align: center;">No.</p> <p style="text-align: center;">Statute ONLY pertains to dental procedures, such as diagnoses or treats diseases or lesions of human teeth or jaws, or associated structures, or attempts to correct malpositions thereof, or who takes</p>

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		<p>(1) Uses the words or letters, "Dr.," "Doctor," "M.D.," "physician," "D.O.," "D.P.M.," or any other title in connection with the person's name in any way that represents the person as engaged in the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, in any of its branches;</p> <p>(2) Advertises, solicits, or represents in any way that the person is practicing medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, in any of its branches;</p> <p>(3) In person or, regardless of the person's location, through the use of any communication, including oral, written, or electronic communication, does any of the following:</p> <p>(a) Examines or diagnoses for compensation of any kind, direct or indirect;</p> <p>(b) Prescribes, advises, recommends, administers, or dispenses for compensation of any kind, direct or indirect, a drug or medicine, appliance, mold or cast, application, operation, or treatment, of whatever nature, for the cure or relief of a wound, fracture or bodily injury, infirmity, or disease.</p> <p>(B) The treatment of human ills through prayer alone by a practitioner of the Christian Science church, in accordance with the tenets and creed of such church, shall not be regarded as the practice of medicine, provided that sanitary and public health laws shall be complied with, no practices shall be used that may be dangerous or detrimental to life or health, and no person shall be denied the benefits of accepted medical and surgical practices.</p> <p>(C) The use of words, letters, or titles in any connection or under any circumstances as to induce</p>		<p>human teeth or jaws, or associated structures, or attempts to correct malpositions thereof, or who takes impressions of the human teeth or jaws, or who constructs, supplies, reproduces, or repairs any prosthetic denture, bridge, artificial restoration, appliance, or other structure to be used or worn as a substitute for natural teeth, except upon the order or prescription of a licensed dentist and constructed upon or by the use of casts or models made from an impression taken by a licensed dentist, or who advertises, offers, sells, or delivers any such substitute or the services rendered in the construction, reproduction, supply, or repair thereof to any person other than a licensed dentist, or who places or adjusts such substitute in the oral cavity of another, or uses the words "dentist," "dental surgeon," the letters "D.D.S.," or other letters or title in connection with his name, which in any way represents him as being engaged in the practice of dentistry. Manager, proprietor, operator, or conductor as used in this section includes any person:</p> <p>(A) Who employs licensed operators;</p> <p>(B) Who places in the possession of licensed operators[,] dental offices or dental equipment necessary for the handling of dental offices on the basis of a lease or any other agreement for compensation or profit for the use of such office or equipment, when such compensation is manifestly in excess of the reasonable rental value of such premises and equipment;</p> <p>(C) Who makes any other arrangements whereby he derives profit, compensation, or advantage through retaining the ownership or control of dental offices or necessary dental equipment by making the same available in any manner for the use of licensed operators; provided that this section does not apply to bona fide sales of dental equipment secured by chattel mortgage. Whoever having a license to practice dentistry or dental hygiene enters the employment of, or enters into any of the arrangements described in this section with, an unlicensed</p>	<p>impressions of the human teeth or jaws, or who constructs, supplies, reproduces, or repairs any prosthetic denture, bridge, artificial restoration, appliance, or other structure to be used or worn as a substitute for natural teeth, except upon the order or prescription of a licensed dentist and constructed upon or by the use of casts or models made from an impression taken by a licensed dentist.</p>

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		the belief that the person who uses them is engaged in the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, in any of its branches, is prima-facie evidence of the intent of such person to represent the person as engaged in the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, in any of its branches.		manager, proprietor, operator, or conductor, or who is determined mentally incompetent by a court of competent jurisdiction, or is committed by a court having jurisdiction for treatment of mental illness, may have his license suspended or revoked by the state dental board.	
<b>OK</b>	492	<p>C. The definition of the practice of medicine and surgery shall include, but is not limited to:</p> <ol style="list-style-type: none"> <li>1. Advertising, holding out to the public, or representing in any manner that one is authorized to practice medicine and surgery in this state;</li> <li>2. Any offer or attempt to prescribe, order, give, or administer any drug or medicine and surgery for the use of any other person, except as otherwise authorized by law;</li> <li>3.a. Any offer or attempt, except as otherwise authorized by law, to prevent, diagnose, correct, or treat in any manner or by any means, methods, devices, or instrumentalities except for manual manipulation any disease, illness, pain, wound, fracture, infirmity, defect, or abnormal physical or mental condition of any person, including the management of pregnancy and parturition, except as otherwise authorized by law.</li> <li>b. Except as provided in subsection D of this section, performance by a person within or outside of this state, through an ongoing regular arrangement, of diagnostic or treatment services, including but not limited to, stroke prevention and treatment, through electronic communications for any patient whose condition is being diagnosed or treated within this state. A person who performs any of the functions</li> </ol>	Title 59. Chapter 7	<p><i>Section 328.19 - Acts Constituting Practice of Dentistry - Acts Not Prevented</i></p> <p>A. The following acts by any person shall be regarded as practicing dentistry within the meaning of the State Dental Act:</p> <ol style="list-style-type: none"> <li>1. Representing oneself to the public as being a dentist or as one authorized to practice dentistry;</li> <li>2. Representing oneself to the public as being able to diagnose or examine clinical material and contract for the treating thereof;</li> <li>3. Treating or professing to treat by professional instructions;</li> <li>4. Representing oneself to the public as treating any of the diseases or disorders or lesions of the oral cavity, teeth, gums, maxillary bones, and associate structures;</li> <li>5. Removing human teeth;</li> <li>6. Repairing or filling cavities in human teeth;</li> <li>7. Correcting or attempting to correct malposed teeth;</li> <li>8. Administering anesthetics, general or local;</li> <li>9. Treating deformities of the jaws and adjacent structures;</li> <li>10. Using x-ray and interpreting dental x-ray film;</li> <li>11. Offering or undertaking, by any means or methods, to remove stains, discolorations, or concretions from the teeth;</li> <li>12. Operating or prescribing for any disease, pain, injury, deficiency, deformity, or any physical condition connected with the human mouth;</li> <li>13. Taking impressions of the teeth and jaws;</li> <li>14. Furnishing, supplying, constructing, reproducing, or</li> </ol>	<p style="text-align: center;">No.</p> <p>Statute states that the practice of dentistry includes the treating any of the diseases or disorders or lesions of the oral cavity, teeth, gums, maxillary bones, and associate structures.</p>

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		<p>covered by this subparagraph submits himself or herself to the jurisdiction of the courts of this state for the purposes of any cause of action resulting from the functions performed.</p> <p>c. Nothing in the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act shall be construed to affect or give jurisdiction to the Board over any person other than medical doctors or persons holding themselves out as medical doctors;</p> <p>4. Any offer or attempt to perform any surgical operation upon any person, except as otherwise authorized by law; and</p> <p>5. The use of the title Doctor of Medicine, Physician, Surgeon, Physician and Surgeon, Dr., M.D. or any combination thereof in the conduct of any occupation or profession pertaining to the prevention, diagnosis, or treatment of human disease or condition unless, where appropriate, such a designation additionally contains the description of another branch of the healing arts for which one holds a valid license in this state.</p>		<p>repairing, or offering to furnish, supply, construct, reproduce, or repair, prosthetic dentures, sometimes known as plates, bridges, or other substitutes for natural teeth for the user or prospective user thereof;</p> <p>15. Adjusting or attempting to adjust any prosthetic denture, bridge, appliance, or any other structure to be worn in the human mouth;</p> <p>16. Diagnosing, making, and adjusting appliances to artificial casts of malposed teeth for treatment of the malposed teeth in the human mouth, without instructions;</p> <p>17. Writing a laboratory prescription to a dental laboratory or dental laboratory technician for the construction, reproduction or repair of any appliance or structure to be worn in the human mouth; or</p> <p>18. Owning, maintaining, or operating an office or offices by holding a financial interest in same for the practice of dentistry.</p> <p>B. The fact that a person uses any dental degree, or designation, or any card, device, directory, poster, sign or other media representing oneself to be a dentist shall be prima facie evidence that the person is engaged in the practice of dentistry; provided that nothing in this section shall be so construed as to prevent the following:</p> <p>1. Physicians or surgeons, who are licensed under the laws of this state, from administering any kind of treatment coming within the province of medicine or surgery;</p> <p>2. The practice of dentistry in the discharge of their official duties by dentists in the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, the United States Public Health Service, or the United States Veterans Administration;</p> <p>3. Dental schools or colleges, as now conducted and approved, or as may be approved, and the practice of dentistry by students in dental schools, colleges or hospitals, approved by the Board, when acting under the direction and supervision of licensed dentists or dentists holding properly issued permits acting as instructors;</p>	



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				<p>4. Acts of a dental clinician or other participant at a dental educational meeting or at an accredited dental college, when no fee is charged to or paid by a patient;</p> <p>5. The practice of dental hygiene, as defined herein, by a person granted a license by the Board;</p> <p>6. The performing of acts by a dental assistant or oral maxillofacial surgery assistant who performs the acts under the direct supervision of a dentist and in accordance with the provisions of the State Dental Act and the rules promulgated by the Board; or</p> <p>7. The fabrication of dental appliances pursuant to a laboratory prescription of a dentist, by a dental laboratory technician in a dental laboratory using inert materials and mechanical devices for the fabrication of any restoration, appliance or thing to be worn in the human mouth.</p>	
<b>OR</b>	677.085	<p><i>What constitutes practice of medicine. A person is practicing medicine if the person does one or more of the following:</i></p> <p>(1) Advertise, hold out to the public or represent in any manner that the person is authorized to practice medicine in this state.</p> <p>(2) For compensation directly or indirectly received or to be received, offer or undertake to prescribe, give or administer any drug or medicine for the use of any other person.</p> <p>(3) Offer or undertake to perform any surgical operation upon any person.</p> <p>(4) Offer or undertake to diagnose, cure or treat in any manner, or by any means, methods, devices or instrumentalities, any disease, illness, pain, wound, fracture, infirmity, deformity, defect or abnormal physical or mental condition of any person.</p> <p>(5) Except as provided in ORS 677.060, append the letters "M.D." or "D.O." to the name of the person, or use the words "Doctor," "Physician," "Surgeon," or any abbreviation or combination thereof, or any letters or</p>	679.010	(7) "Dentistry" means the healing art which is concerned with the examination, diagnosis, treatment planning, treatment, care and prevention of conditions within the human oral cavity and maxillofacial region and conditions of adjacent or related tissues and structures. The practice of dentistry includes but is not limited to the cutting, altering, repairing, removing, replacing or repositioning of hard or soft tissues and other acts or procedures as determined by the Oregon Board of Dentistry and included in the curricula of dental schools accredited by the Commission on Dental Accreditation of the American Dental Association, post-graduate training programs or continuing education courses.	<p style="text-align: center;">No.</p> <p style="text-align: center;">Statute states that the practice of dentistry includes but is not limited to the cutting, altering, repairing, removing, replacing or repositioning of hard or soft tissues and other acts or procedures as determined by the Oregon Board of Dentistry <b>and included in the curricula of dental schools accredited by the Commission on Dental Accreditation of the American Dental Association, post-graduate training programs or continuing education courses.</b></p> <p style="text-align: center;">However, a dentist's curriculum does <i>not</i> include didactic instruction on upper airway obstruction and the pathophysiology of OSA and its indications for treatment.</p>

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		words of similar import in connection with the name of the person, or any trade name in which the person is interested, in the conduct of any occupation or profession pertaining to the diagnosis or treatment of human diseases or conditions mentioned in this section.			
<b>PA</b>	63 P.S. § 422.1	<i>"Medicine and surgery."</i> The art and science of which the objectives are the cure of diseases and the preservation of the health of man, including the practice of the healing art with or without drugs, except healing by spiritual means or prayer.	63 P.S. §120	<p><i>Section 2. Definitions. A person engages in the "Practice of Dentistry,"</i> within the meaning of this act, who diagnoses, treats, operates on, or prescribes for any disease, pain or injury, or regulates any deformity or physical condition, of the human teeth, jaws, or associated structures, or conducts a physical evaluation, or administers anesthetic agents, or uses ionizing radiation in the course of dental practice, or who fits, constructs, and inserts any artificial appliance, plate, or denture for the human teeth or jaws, or who holds himself or herself out as being able or legally authorized to do so. The term "Practice of Dentistry" does not include:</p> <p>(a) The practice of any of the healing arts by duly licensed practitioners.</p> <p>(b) The extracting of teeth or relieving pain by a licensed physician or surgeon in emergencies, or the making of applications for such purposes.</p> <p>(c) The practice of dentistry by a duly licensed practitioner of dentistry of any other state or country, for the limited purpose of consultation with respect to any case under treatment in this Commonwealth, or of demonstrating before any duly authorized dental society in this Commonwealth.</p> <p>(d) The practice of dentistry by a duly licensed practitioner of dentistry of any other state or country for the limited purpose of teaching, including clinical teaching, in a dental school or advanced dental education program in the Commonwealth approved by the board after notification to the board and in accordance with board regulations. Appointments shall not exceed four (4) years and may only be extended if the practitioner receives a license from the board.</p> <p>(e) The practice of dentistry in clinical departments and laboratories of dental schools and their affiliated facilities</p>	<p style="text-align: center;">No.</p> <p>Statute states that a dentist may diagnoses, treats, operates on, or prescribes for any disease, pain or injury, or regulates any deformity or physical condition, of the human teeth, jaws, or associated structures, or conducts a physical evaluation, or administers anesthetic agents, or uses ionizing radiation in the course of dental practice, or who fits, constructs, and inserts any artificial appliance, plate, or denture for the human teeth or jaws, or who holds himself or herself out as being able or legally authorized to do so.</p> <p>However, the term "Practice of Dentistry" <b>does not</b> include: The practice of any of the healing arts by duly licensed practitioners.</p>

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State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
				<p>approved by the board in the Commonwealth, by bona fi de students pursuing a course of study leading to the degree of Doctor of Dental Surgery or Doctor of Dental Medicine.</p> <p>(f) The practice of dentistry in a dental clinic operated not for profit for the duration of an internship, residency or other graduate training program approved by the American Dental Association Commission on Dental Accreditation or a dental anesthesiology training program that meets the standards of an accrediting body acceptable to the board, by persons having acquired the preliminary and professional education required for admission into the program, after notification to the board.</p>	
<b>RI</b>	§ 5-37-1	<p>(15) "Practice of medicine" includes the practice of allopathic and osteopathic medicine. Any person is regarded as practicing medicine within the meaning of this chapter who holds himself or herself out as being able to diagnose, treat, operate, or prescribe for any person ill or alleged to be ill with disease, pain, injury, deformity or abnormal physical or mental condition, or who either professes to heal, offer or undertake, by any means or method to diagnose, treat, operate, or prescribe for any person for disease, pain, injury, deformity or physical or mental condition. In addition, one who attaches the title, M.D., physician, surgeon, D.O., osteopathic physician and surgeon, or any other similar word or words or abbreviation to his or her name indicating that he or she is engaged in the treatment or diagnosis of the diseases, injuries or conditions of persons shall be held to be engaged in the practice of medicine.</p>	§ 5-31.1-1	<p>(16) "Practice of dentistry." Any person is practicing dentistry within the meaning of this chapter who:</p> <p>(I) Uses or permits to be used, directly or indirectly, for profit or otherwise, for himself, herself or for any other person, in connection with his or her name, the word "dentist" or "dental surgeon," or the title "D.D.S." or "D.M.D." or any other words, letters, titles, or descriptive matter, personal or not, which directly or indirectly implies the practice of dentistry;</p> <p>(II) Owns, leases, maintains, operates a dental business in any office or other room or rooms where dental operations are performed, or directly or indirectly is manager, proprietor or conductor of this business;</p> <p>(III) Directly or indirectly informs the public in any language, orally, in writing, or in printing, or by drawings, demonstrations, specimens, signs, or pictures that he or she can perform or will attempt to perform dental operations of any kind;</p> <p>(IV) Undertakes, by any means or method, gratuitously or for a salary, fee, money, or other reward paid or granted directly or indirectly to himself or herself or to any other person, to diagnose or profess to diagnose, or to treat or profess to treat, or to prescribe for or profess to prescribe for any of the lesions, diseases, disorders, or deficiencies of the human oral cavity, teeth, gums, maxilla or mandible, and/or adjacent associated structures;</p>	<p style="text-align: center;">No.</p> <p>Statute state that a dentist can ONLY diagnose or profess to diagnose, or to treat or profess to treat, or to prescribe for or profess to prescribe for any of the lesions, diseases, disorders, or deficiencies of the human oral cavity, teeth, gums, maxilla or mandible, and/or adjacent associated structures;</p> <p>Also, states that a dentist can only engage in any of the practices included in the curricula of recognized dental colleges.</p> <p>However, a dentist's curriculum does <i>not</i> include didactic instruction on upper airway obstruction and the pathophysiology of OSA and its indications for treatment.</p>

### State Medical & Dental Scope of Practice

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
				<p>(V) Extracts human teeth, corrects malpositions of the teeth or of the jaws;</p> <p>(VI) Except on the written prescription of a licensed dentist and by the use of impressions or casts made by a licensed and practicing dentist, directly or indirectly by mail, carrier, personal agent, or by any other method, furnishes, supplies, constructs, reproduces, or repairs prosthetic dentures, bridges, appliances or other structures to be used and worn as substitutes for natural teeth;</p> <p>(VII) Places those substitutes in the mouth and/or adjusts them;</p> <p>(VIII) Administers an anesthetic, either general or local in the course of any of the previously stated dental procedures; or</p> <p>(IX) Engages in any of the practices included in the curricula of recognized dental colleges;</p> <p>(B) Provided that in order to administer any form of anesthesia, other than local, dentists must meet the requirements established by regulation of the board of examiners in dentistry, including payment of a permit fee.</p> <p>(ii) The board shall promulgate regulations relating to anesthesia. Those regulations shall be consistent with the American Dental Association guidelines for the use of conscious sedation, deep sedation and general anesthesia in dentistry. Neither the board nor any regulation promulgated by the board shall require additional licensing fees for the use of nitrous oxide by dentists. Prior to the adoption of those regulations, dentists shall be permitted to administer anesthesia without restriction. From the proceeds of any fees collected pursuant to the provisions of this chapter, there is created a restricted receipts account which is used solely to pay for the administrative expenses incurred for expenses of administering this chapter.</p> <p>(iii) No non-dentist who operates a dental facility in the form of a licensed outpatient health care center or management service organization may interfere with the professional judgment of a dentist in the practice.</p>	

**State Medical & Dental Scope of Practice**

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments <b>Does the Statute allow a DDS to diagnose and treat a patient with OSA?</b>
SC	40-47-20	<p>(36) "Practice of Medicine" means:</p> <p>(a) advertising, holding out to the public or representing in any manner that one is authorized to practice medicine in this State;</p> <p>(b) offering or undertaking to prescribe, order, give, or administer any drug or medicine for the use of any other person;</p> <p>(c) offering or undertaking to prevent or to diagnose, correct or treat in any manner, or by any means, methods, or devices, disease, illness, pain, wound, fracture, infirmity, defect, or abnormal physical or mental condition of a person, including the management or pregnancy and parturition;</p> <p>(d) offering or undertaking to perform any surgical operation upon a person;</p> <p>(e) rendering a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient or the actual rendering of treatment to a patient within this State by a physician located outside the State as a result of transmission of individual patient data by electronic or other means from within a state to such physician or his or her agent;</p> <p>(f) rendering a determination of medical necessity or a decision affecting the diagnosis and/or treatment of a patient is the practice of medicine subject to all of the powers provided to the Board of Medical Examiners, except as provided in Section 38-59-25;</p> <p>(g) using the designation Doctor, Doctor of Medicine, Doctor of Osteopathic Medicine, Physician, Surgeon, Physician and Surgeon, Dr., M.D., D.O., or any combination of these in the conduct of any occupation or profession pertaining to the prevention, diagnosis, or treatment of human disease or condition unless such a designation additionally contains the description of another branch of the healing arts for which one holds a valid license in this State that is</p>	40-15-70	<p>"Practice of dentistry" defined.</p> <p>A person is practicing dentistry who:</p> <p>(1) uses the word "dentist", "dental surgeon", or the letters "D.D.S.", "D.M.D.", or other letters or titles in connection with his name which in any way represents him as engaging in the practice of dentistry or in the administration of any dental health program; or</p> <p>(2) for a fee or other consideration:</p> <p>(a) shall profess or indicate in any manner that he can or will attempt to perform dental procedures in the oral cavity and associated adjacent structures; or</p> <p>(b) shall diagnose or treat or profess to diagnose or treat any diseases or lesions or conditions of the oral cavity and associated adjacent structures; or</p> <p>(c) shall extract teeth, correct malpositions of the teeth or jaws, or take impressions, or construct, supply, repair, reline, or duplicate artificial teeth as substitutes for natural teeth, or adjust such substitutes, or do any practice included in the curricula of dental colleges accredited by the Commission on Dental Accreditation, or administer or prescribe drugs or therapy utilized in the treatment of dental or oral diseases, or shall use X ray for dental treatment or dental diagnostic purposes, or shall administer anesthetics, local or general, for dental procedures; or</p> <p>(d) shall teach or profess to teach any phase of dental practice or related procedures.</p>	<p align="center">No.</p> <p>Statute states that the practice of dentistry is to diagnose or treat or profess to diagnose or treat any diseases or lesions or conditions <b>of the oral cavity and associated adjacent structures</b>.</p> <p>And that the practice of dentistry includes the curricula of dental colleges accredited by the Commission on Dental Accreditation.</p> <p align="center">However, a dentist's curriculum does <i>not</i> include didactic instruction on upper airway obstruction and the pathophysiology of OSA and its indications for treatment.</p>

### State Medical & Dental Scope of Practice

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments <b>Does the Statute allow a DDS to diagnose and treat a patient with OSA?</b>
		applicable to the clinical setting; and (h) testifying as a physician in an administrative, civil, or criminal proceeding in this State by expressing an expert medical opinion.			
<b>SD</b>	36-4-9	<i>Use of title and other acts constituting practice of medicine.</i> For the purpose of this chapter, "practice of medicine or osteopathy" includes, but not by way of limitation, to append or prefix the letters M.D., or D.O. or the title of Doctor or Dr. or Specialist or Osteopath or any other sign or appellation in a medical sense to one's name or to profess publicly to be a physician or surgeon or to recommend, prescribe or direct for the use of any person any drug, medicine, apparatus, or other agency for the cure, relief or palliation of any ailment or disease of the mind or body or the cure or relief of any wound, fracture or bodily injury or deformity.	36-6A-32	<i>Scope of dental practice defined.</i> A person shall be deemed to be practicing dentistry within the meaning of this chapter: (1) Who uses a dental degree, or designation, or card, device, directory, sign, or other media whereby he represents himself as being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gums or jaw, or adjacent or associated structures; or (2) Who is a manager, proprietor, operator, or conductor of a place where dental operations are performed; or (3) Who performs dental operations of any kind gratuitously, or for a fee, gift, compensation or reward, paid or to be paid, either to himself or to another person or agency; or (4) Who uses a roentgen or X-ray machine for dental treatment, or roentgenograms for dental diagnostic purposes; or (5) Who extracts a human tooth or corrects or attempts to correct malpositions of the human teeth or jaws; or (6) Who offers and undertakes, by any means or method, to diagnose, treat or remove stains or accretions from human teeth or jaws; or (7) Who takes impressions of the human teeth or jaws or performs any phase of any operation incident to the replacement of a part of a tooth, a tooth, teeth or associated tissues by means of a filling, a crown, a bridge, a denture, or other appliance; or (8) Who furnishes, supplies, constructs, reproduces, or repairs, or offers to furnish, supply, construct, reproduce or repair prosthetic dentures or plates, bridges or other substitutes for natural teeth, to the user or prospective user thereof; or (9) Who performs any clinical operation included in the	No.  Statute ONLY addresses dental procedures a dentist can perform, such as: being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gums or jaw, or adjacent or associated structures.

### State Medical & Dental Scope of Practice

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
				curricula of recognized dental schools and colleges.	
<b>TN</b>	63-6-204	<p><i>"Practice of medicine" defined.</i> (a) (1) Any person shall be regarded as practicing medicine within the meaning of this chapter who treats, or professes to diagnose, treat, operates on or prescribes for any physical ailment or any physical injury to or deformity of another.</p> <p>(2) Nothing in this section shall be construed to apply to the administration of domestic or family remedies in cases of emergency or to the laws regulating the practice of dentistry.</p> <p>(3) This chapter shall not apply to surgeons of the United States army, navy, air force or marine hospital service, or to any registered physician or surgeon of other states when called in consultation by a registered physician of this state, or to midwives, veterinary surgeons, osteopathic physicians or chiropractors not giving or using medicine in their practice or to opticians, optometrists, chiropodists or Christian Scientists.</p> <p>Full chapter <a href="#">here</a>.</p>	63-5-108	<p><i>Practice of dentistry and dental hygiene defined.</i></p> <p>(a) Dentistry is defined as the evaluation, diagnosis, prevention and/or treatment, by nonsurgical, surgical or related procedures, of diseases, disorders and/or conditions of the oral cavity, maxillofacial area and/or the adjacent and associated structures and their impact on the human body, provided by a dentist within the scope of such dentist's education, training, and experience, in accordance with the ethics of the profession and applicable law.</p> <p>(b) Any person is deemed to be practicing dentistry who, either gratuitously or for a salary, fee, money or other remuneration, paid or to be paid, directly to the operator or to any person or agency:</p> <p>(1) Diagnoses, prescribes for or treats any disease, pain, deformity, deficiency, injury, disorder and condition of the oral cavity, maxillofacial area and the adjacent and associated structures and their impact on the human body. Such diagnosis and treatment may include the use of a complete or limited physical evaluation of patients by a board eligible or board certified oral and maxillofacial surgeon or a resident in an approved oral and maxillofacial surgery program practicing in a hospital setting;</p> <p>(2) Extracts human teeth;</p> <p>(3) Repairs or fills cavities in human teeth;</p> <p>(4) Corrects malformations of human teeth or of the jaws;</p> <p>(5) Performs any oral and maxillofacial surgery;</p> <p>(6) Subject to the provisions of subsection (d), takes an impression of the human tooth, teeth or jaws, leading to either:</p> <p>(A) The fabrication of a model upon which will be constructed a replacement of natural teeth by artificial substitutes; or</p> <p>(B) The fabrication of a cosmetic metal apparatus to be worn</p>	<p style="text-align: center;">No.</p> <p>Dentistry is defined as the evaluation, diagnosis, prevention and/or treatment, by nonsurgical, surgical or related procedures, of diseases, disorders and/or conditions of the oral cavity, maxillofacial area and/or the adjacent and associated structures and their impact on the human body, <b>provided by a dentist within the scope of such dentist's education, training, and experience, in accordance with the ethics of the profession and applicable law.</b></p> <p style="text-align: center;">However, a dentist's curriculum does <i>not</i> include didactic instruction on upper airway obstruction and the pathophysiology of OSA and its indications for treatment.</p>

### State Medical & Dental Scope of Practice

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
				<p>in the human mouth, whether or not the apparatus features silver, gold or platinum caps, jeweled inlays or any other cosmetic features;</p> <p>(7) Furnishes, supplies, constructs, alters, reproduces or repairs any prosthetic denture, bridge, crown, appliance or any other structure to be used or worn in the human mouth as a substitute for natural teeth, except on the written work order of a licensed and registered dentist;</p> <p>(8) Places or adjusts such appliance or structure in the human mouth;</p> <p>(9) Delivers the same to any person other than the licensed and registered dentist upon whose written work order the work was performed;</p> <p>(10) Offers to the public by any method to furnish, supply, construct, reproduce, reline, repair or otherwise process any prosthetic denture, bridge, appliance or other structure to be worn in the human mouth;</p> <p>(11) Gives interpretations of dental radiographs;</p> <p>(12) Administers an anesthetic, except for a topical anesthetic in connection with a dental operation; provided, however, that a duly licensed dentist may delegate the administration of local anesthetic to dental hygienists who possess a permit to do so issued by the board. The board shall establish the qualifications, criteria and curricula required for issuance of permits to administer local anesthetic, by infiltration or by block, to duly licensed dental hygienists;</p> <p>(13) Uses the words, "Dentist," "Dental Surgeon," "Oral Surgeon," "Oral and Maxillofacial Surgeon," or letters "D.D.S.," "D.M.D.," or any other words, letters, title, or descriptive matter that in any way represents the person as being able to diagnose, treat, prescribe or operate for any disease, pain, deformity, deficiency, injury, disorder, and condition of the oral cavity, maxillofacial area and the adjacent and associated structures and their impact on the human body;</p> <p>(14) States, or permits to be stated by any means or method whatsoever, that the person can or will attempt to perform dental operations or services or to render diagnosis in</p>	



### State Medical & Dental Scope of Practice

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
				connection therewith; or (15) Is the operator of a place where dental operations or dental services are performed.	
<b>TX</b>	151.002	(13) "Practicing medicine" means the diagnosis, treatment, or offer to treat a mental or physical disease or disorder or a physical deformity or injury by any system or method, or the attempt to effect cures of those conditions, by a person who: (A) publicly professes to be a physician or surgeon; or (B) directly or indirectly charges money or other compensation for those services.	251.003	<i>Practice of Dentistry</i> (a) For purposes of this subtitle, a person practices dentistry if the person: (1) represents to the public that the person is a dentist or dental surgeon or uses or permits to be used for the person or another person the title of "Doctor," "Dr.," "Doctor of Dental Surgery," "D.D.S.," "Doctor of Dental Medicine," "D.M.D.," or another description, including the use of the terms "denturist" or "denturism," that, directly or indirectly, represents that the person is able to: (A) diagnose, treat, or remove stains or concretions from human teeth; or (B) provide surgical and adjunctive treatment for a disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, oral cavity, alveolar process, gums, jaws, or directly related and adjacent masticatory structures; (2) performs or offers to perform by any means the: (A) cleaning of human teeth; (B) removal of stains, concretions, or deposits from teeth in the human mouth; or (C) diagnosis, treatment, operation, or prescription for a disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, oral cavity, alveolar process, gums, or jaws; (3) prescribes, makes, or causes to be made or offers to prescribe, make, or cause to be made by any means an impression of any portion of the human mouth, teeth, gums, or jaws: (A) to diagnose, prescribe, or treat, or aid in the diagnosis, prescription, or treatment, of a physical condition of the human mouth, teeth, gums, or jaws; or (B) to construct or aid in the construction of a dental	No.  Statute ONLY allows a dentist to perform surgical and adjunctive treatment for a disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, oral cavity, alveolar process, gums, and jaws.

### State Medical & Dental Scope of Practice

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
				appliance, denture, dental bridge, false teeth, dental plate of false teeth, or another substitute for human teeth; (4) owns, maintains, or operates an office or place of business in which the person employs or engages under any type of contract another person to practice dentistry; (5) fits, adjusts, repairs, or substitutes or offers to fit, adjust, repair, or substitute in the human mouth or directly related and adjacent masticatory structures a dental appliance, structure, prosthesis, or denture; (6) aids in the fitting, adjusting, repairing, or substituting or causes to be fitted, adjusted, repaired, or substituted in the human mouth or directly related and adjacent masticatory structures a dental appliance, structure, prosthesis, or denture; (7) without a written prescription or work order signed by a dentist legally practicing dentistry in this state or in the jurisdiction in which the dentist maintains the dentist's office: (A) makes, processes, reproduces, repairs, or relines a full or partial denture, fixed or removable dental bridge or appliance, dental plate of false teeth, artificial dental restoration, or a substitute or corrective device or appliance for the human teeth, gums, jaws, mouth, alveolar process, or any part for another; or (B) offers, undertakes, aids, abets, or causes another person to engage in an activity described by Paragraph (A); (8) directly or indirectly offers, undertakes, or causes another to perform for any person an act, service, or part of an act or service in the practice of dentistry, including: (A) inducing, administering, prescribing, or dispensing anesthesia or an anesthetic drug, medicine, or an agent in any way related to the practice of dentistry; (B) permitting or allowing another to use the person's license or certificate to practice dentistry in this state; or (C) aiding or abetting the practice of dentistry by a person not licensed by the board to practice dentistry; (9) controls, influences, attempts to control or influence, or otherwise interferes with the exercise of a dentist's independent professional judgment regarding the diagnosis or treatment of	

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State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
				<p>a dental disease, disorder, or physical condition; or</p> <p>(10) represents that the person is a denturist or uses another title that is intended to convey to the public that the services offered by the person are included within the practice of dentistry.</p> <p>(b) The practice of dentistry under Subsection (a)(9) does not:</p> <p>(1) require an entity to pay for services that are not provided for in an agreement; or</p> <p>(2) exempt a dentist who is a member of a hospital staff from following hospital bylaws, medical staff bylaws, or established policies approved by the governing board and the medical and dental staff of the hospital.</p> <p>(c) In this subtitle, the practice of the dental specialty of oral and maxillofacial surgery includes the diagnosis of and the surgical and adjunctive treatment of diseases, injuries, and defects involving the functional and aesthetic aspects of the hard and soft tissues of the oral and maxillofacial region.</p>	
UT	58-67-102	<p>(12) (a) "Practice of medicine" means:</p> <p>(i) to diagnose, treat, correct, administer anesthesia or prescribe for any human disease, ailment, injury, infirmity, deformity, pain or other condition, physical or mental, real or imaginary, including to perform cosmetic medical procedures, or to attempt to do so, by any means or instrumentality, and by an individual in Utah or outside the state upon or for any human within the state;</p> <p>(ii) when a person not licensed as a physician directs a licensee under this chapter to withhold or alter the health care services that the licensee has ordered;</p> <p>(iii) to maintain an office or place of business for the purpose of doing any of the acts described in Subsection (12)(a) whether or not for compensation; or</p> <p>(iv) to use, in the conduct of any occupation or profession pertaining to the diagnosis or treatment of human diseases or conditions in any printed material,</p>	58-69-102	<p>(6) "Practice of dentistry" means the following, regarding humans:</p> <p>(a) to offer, undertake, or represent that a person will undertake by any means or method to:</p> <p>(i) examine, evaluate, diagnose, treat, operate, or prescribe therapy for any disease, pain, injury, deficiency, deformity, or any other condition of the human teeth, alveolar process, gums, jaws, or adjacent hard and soft tissues and structures in the maxillofacial region;</p> <p>(ii) take an appropriate history and physical consistent with the level of professional service to be provided and the available resources in the facility in which the service is to be provided;</p> <p>(iii) take impressions or registrations;</p> <p>(iv) supply artificial teeth as substitutes for natural teeth;</p> <p>(v) remove deposits, accumulations, calculus, and concretions from the surfaces of teeth; and</p> <p>(vi) correct or attempt to correct malposition of teeth;</p> <p>(b) to administer anesthetics necessary or proper in the practice of dentistry only as allowed by an anesthesia permit obtained</p>	<p style="text-align: center;">No.</p> <p style="text-align: center;">Statute ONLY allows a dentist to examine, evaluate, diagnose, treat, operate, or prescribe therapy for any disease, pain, injury, deficiency, deformity, or any other condition of the human teeth, alveolar process, gums, jaws, or adjacent hard and soft tissues and structures in the maxillofacial region.</p>

**State Medical & Dental Scope of Practice**

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments  Does the Statute allow a DDS to diagnose and treat a patient with OSA?
		stationery, letterhead, envelopes, signs, or advertisements, the designation "doctor", "doctor of medicine", "physician", "surgeon", "physician and surgeon", "Dr.," "M.D.," or any combination of these designations in any manner which might cause a reasonable person to believe the individual using the designation is a licensed physician and surgeon, and if the party using the designation is not a licensed physician and surgeon, the designation must additionally contain the description of the branch of the healing arts for which the person has a license, provided that an individual who has received an earned degree of doctor of medicine degree but is not a licensed physician and surgeon in Utah may use the designation "M.D." if it is followed by "Not Licensed" or "Not Licensed in Utah" in the same size and style of lettering.		from the division; (c) to administer and prescribe drugs related to and appropriate in the practice of dentistry; (d) to supervise the practice of a dental hygienist or dental assistant as established by division rule made in collaboration with the board; or (e) to represent oneself by any title, degree, or in any other way that one is a dentist.	
<b>VT</b>	§ 1311	(1) Practice of medicine means: (A) using the designation "Doctor," "Doctor of Medicine," "Physician," "Dr.," "M.D.," or any combination thereof in the conduct of any occupation or profession pertaining to the prevention, diagnosis, or treatment of human disease or condition unless the designation additionally contains the description of another branch of the healing arts for which one holds a valid license in Vermont; (B) advertising, holding out to the public, or representing in any manner that one is authorized to practice medicine in the jurisdiction; (C) offering or undertaking to prescribe, order, give, or administer any drug or medicine for the use of any other person; (D) offering or undertaking to prevent, diagnose, correct, or treat in any manner or by any means, methods, or devices any disease, illness, pain, wound,	§ 561	(3) "Practicing dentistry" means an activity in which a person: (A) undertakes by any means or method to diagnose or profess to diagnose or to treat or profess to treat or to prescribe for or profess to prescribe for any lesions, diseases, disorders, for deficiencies of the human oral cavity, teeth, gingiva, maxilla, or mandible or adjacent associated structures; (B) extracts human teeth or corrects malpositions of the teeth or jaws; (C) furnishes, supplies, constructs, reproduces, or repairs prosthetic dentures, bridges, appliances, or other structures to be used or worn as substitutes for natural teeth or adjusts those structures, except on the written prescription of a duly licensed dentist and by the use of impressions or casts made by a duly licensed and practicing dentist; (D) administers general dental anesthetics; (E) administers local dental anesthetics, except dental hygienists as authorized by board rule; or (F) engages in any of the practices included in the curricula of	No.  Statute ONLY allows a dentist to diagnose or profess to diagnose or to treat or profess to treat or to prescribe for or profess to prescribe for any lesions, diseases, disorders, for deficiencies of the human oral cavity, teeth, gingiva, maxilla, or mandible or adjacent associated structures.

### State Medical & Dental Scope of Practice

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments <b>Does the Statute allow a DDS to diagnose and treat a patient with OSA?</b>
		fracture, infirmity, defect, or abnormal physical or mental condition of any person, including the management of pregnancy and parturition; (E) offering or undertaking to perform any surgical operation upon any person; (F) rendering a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient or the actual rendering of treatment to a patient within the state by a physician located outside the state as a result of the transmission of individual patient data by electronic or other means from within the state to the physician or his or her agent; or (G) rendering a determination of medical necessity or a decision affecting the diagnosis or treatment of a patient.		recognized dental colleges.	
<b>VA</b>	§ 54.1-2900	<i>"Practice of medicine or osteopathic medicine"</i> means the prevention, diagnosis and treatment of human physical or mental ailments, conditions, diseases, pain or infirmities by any means or method.	§ 54.1-2711	<i>Practice of dentistry.</i> Any person shall be deemed to be practicing dentistry who (i) uses the words dentist, or dental surgeon, the letters D.D.S., D.M.D., or any letters or title in connection with his name, which in any way represents him as engaged in the practice of dentistry; (ii) holds himself out, advertises or permits to be advertised that he can or will perform dental operations of any kind; (iii) diagnoses, treats, or professes to diagnose or treat any of the diseases or lesions of the oral cavity, its contents or contiguous structures, or (iv) extracts teeth, corrects malpositions of the teeth or jaws, takes impressions for the fabrication of appliances or dental prosthesis, supplies or repairs artificial teeth as substitutes for natural teeth, or places in the mouth and adjusts such substitutes.  No dentist shall be supervised within the scope of the practice of dentistry by any person who is not a licensed dentist.	No.  Statute ONLY allows a dentist to diagnoses, treats, or professes to diagnose or treat any of the diseases or lesions of the oral cavity, its contents or contiguous structure.
<b>WA</b>	18.71.011	<i>A person is practicing medicine if he or she does one or more of the following:</i>	18.32.020	<i>Practice of dentistry defined.</i> A person practices dentistry, within the meaning of this	No.

### State Medical & Dental Scope of Practice

State	State Medical Law Citation	State Medical Scope of Practice	State Dental Law Citation	State Dental Scope of Practice	Comments <b>Does the Statute allow a DDS to diagnose and treat a patient with OSA?</b>
		<p>(1) Offers or undertakes to diagnose, cure, advise, or prescribe for any human disease, ailment, injury, infirmity, deformity, pain or other condition, physical or mental, real or imaginary, by any means or instrumentality;</p> <p>(2) Administers or prescribes drugs or medicinal preparations to be used by any other person;</p> <p>(3) Severs or penetrates the tissues of human beings;</p> <p>(4) Uses on cards, books, papers, signs, or other written or printed means of giving information to the public, in the conduct of any occupation or profession pertaining to the diagnosis or treatment of human disease or conditions the designation "doctor of medicine," "physician," "surgeon," "m.d.," or any combination thereof unless such designation additionally contains the description of another branch of the healing arts for which a person has a license: PROVIDED HOWEVER, That a person licensed under this chapter shall not engage in the practice of chiropractic as defined in RCW 18.25.005.</p>		<p>chapter, who (1) represents himself or herself as being able to diagnose, treat, remove stains and concretions from teeth, operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, alveolar process, gums, or jaw, or (2) offers or undertakes by any means or methods to diagnose, treat, remove stains or concretions from teeth, operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the same, or take impressions of the teeth or jaw, or (3) owns, maintains, or operates an office for the practice of dentistry, or (4) engages in any of the practices included in the curricula of recognized and approved dental schools or colleges, or (5) professes to the public by any method to furnish, supply, construct, reproduce, or repair any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth.</p> <p>The fact that a person uses any dental degree, or designation, or any card, device, directory, poster, sign, or other media whereby he or she represents himself or herself to be a dentist, shall be prima facie evidence that such person is engaged in the practice of dentistry.</p> <p>X-ray diagnosis as to the method of dental practice in which the diagnosis and examination is made of the normal and abnormal structures, parts, or functions of the human teeth, the alveolar process, maxilla, mandible or soft tissues adjacent thereto, is hereby declared to be the practice of dentistry. Any person other than a regularly licensed physician or surgeon who makes any diagnosis or interpretation or explanation, or attempts to diagnose or to make any interpretation or explanation of the registered shadow or shadows of any part of the human teeth, alveolar process, maxilla, mandible or soft tissues adjacent thereto by the use of X-ray is declared to be engaged in the practice of dentistry, medicine, or surgery.</p> <p>The practice of dentistry includes the performance of any dental or oral and maxillofacial surgery. "Oral and</p>	<p>Statute ONLY allows a dentist to diagnose, treat, remove stains and concretions from teeth, operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, alveolar process, gums, or jaw.</p>

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				maxillofacial surgery" means the specialty of dentistry that includes the diagnosis and surgical and adjunctive treatment of diseases, injuries, and defects of the hard and soft tissues of the oral and maxillofacial region.	
<b>WV</b>	§30-3-4	(3) "Practice of medicine and surgery" means the diagnosis or treatment of, or operation or prescription for, any human disease, pain, injury, deformity or other physical or mental condition. "Surgery" includes the use on humans of lasers, ionizing radiation, pulsed light and radiofrequency devices. The provisions of this section do not apply to any person who is a duly licensed health care provider under other pertinent provisions of this code and who is acting within the scope of his or her license.	§30-4-9	<p><i>Scope of practice of a dentist.</i>                      The practice of dentistry includes the following:</p> <ol style="list-style-type: none"> <li>(1) Coordinate dental services to meet the oral health needs of the patient;</li> <li>(2) Examine, evaluate and diagnose diseases, disorders and conditions of the oral cavity, maxillofacial area and adjacent and associated structures;</li> <li>(3) Treat diseases, disorders and conditions of the oral cavity, maxillofacial area and the adjacent and associated structures;</li> <li>(4) Provide services to prevent diseases, disorders and conditions of the oral cavity, maxillofacial area and the adjacent and associated structures;</li> <li>(5) Fabricate, repair or alter a dental prosthesis;</li> <li>(6) Administer anesthesia in accordance with the provisions of article four-a of this chapter;</li> <li>(7) Prescribe drugs necessary for the practice of dentistry;</li> <li>(8) Execute and sign a death certificate when it is required in the practice of dentistry;</li> <li>(9) Employ and supervise dental auxiliary personnel;</li> <li>(10) Authorize delegated procedures to be performed by dental auxiliary personnel; and</li> <li>(11) Perform any other work included in the curriculum of an approved dental school, college or dental department of a university.</li> </ol>	<p align="center">No.</p> <p align="center">Statute only allows a dentist to:</p> <p>Examine, evaluate and diagnose diseases, disorders and conditions of the oral cavity, maxillofacial area and adjacent and associated structures;</p> <p align="center">Treat diseases, disorders and conditions of the oral cavity, maxillofacial area and the adjacent and associated structures;</p> <p>Provide services to prevent diseases, disorders and conditions of the oral cavity, maxillofacial area and the adjacent and associated structures</p>
<b>WI</b>	448.01	(9) "Practice of medicine and surgery" means: (a) To examine into the fact, condition or cause of	447.01	(8) "Dentistry" means the examination, diagnosis, treatment, planning or care of conditions within the human oral cavity or	No.

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		<p>human health or disease, or to treat, operate, prescribe or advise for the same, by any means or instrumentality.</p> <p>(b) To apply principles or techniques of medical sciences in the diagnosis or prevention of any of the conditions described in par. (a) and in sub. (2).</p> <p>(c) To penetrate, pierce or sever the tissues of a human being.</p> <p>(d) To offer, undertake, attempt or do or hold oneself out in any manner as able to do any of the acts described in this subsection.</p>		<p>its adjacent tissues and structures. "Dentistry" includes any of the following:</p> <p>(a) Examining into the fact, condition or cause of dental health or dental disease or applying principles or techniques of dental science in the diagnosis, treatment or prevention of or prescription for any of the lesions, dental diseases, disorders or deficiencies of the human oral cavity, teeth, investing tissues, maxilla or mandible, or adjacent associated structures.</p> <p>(b) Extracting human teeth or correcting their malposition.</p> <p>(c) Directly or indirectly, by mail, carrier, person or any other method, furnishing, supplying, constructing, reproducing or repairing prosthetic dentures, bridges, appliances or other structures to be used or worn as substitutes for natural human teeth; or placing such substitutes in the mouth directly or indirectly or adjusting the same; or taking, making or giving advice or assistance or providing facilities for the taking or making of any impression, bite, cast or design preparatory to, or for the purpose of, or with a view to the making, producing, reproducing, constructing, fitting, furnishing, supplying, altering or repairing of any such prosthetic denture, bridge or appliance; or taking impressions for or fitting athletic mouthguards.</p> <p>(d) Administering anesthetics, either general or local, while performing or claiming to perform dental services.</p> <p>(e) Prescribing or administering drugs in the course of or incident to the rendition of dental services, or as part of a representation that dental services have been or will be rendered.</p> <p>(f) Engaging in any of the practices, techniques or procedures included in the curricula of accredited dental schools.</p> <p>(g) Penetrating, piercing or severing the tissues within the human oral cavity or adjacent associated structures. This paragraph does not apply to care or treatment rendered by a physician, as defined in s. 448.01 (5), acting within the scope of the practice of medicine and surgery, as defined in s. 448.01 (9).</p> <p>(h) Developing a treatment plan for a dental patient to treat,</p>	<p>Statute only allows a dentist to provide the examination, diagnosis, treatment, planning or care of conditions within the human oral cavity or its adjacent tissues and structures.</p> <p>A dentist can also engage in any of the practices, techniques or procedures included in the curricula of accredited dental schools.</p> <p>However, a dentist's curriculum does <i>not</i> include didactic instruction on upper airway obstruction and the pathophysiology of OSA and its indications for treatment.</p>



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				operate, prescribe or advise for the patient by any means or instrumentality. Nothing in this paragraph prohibits a dental hygienist from participating in the development of a dental patient's dental hygiene treatment plan.	
<b>WY</b>	33-26-102	<p><i>(xi) "Practicing medicine" means any person who in any manner:</i></p> <p>(A) Advertises, holds out, or represents to the public that he is authorized to practice medicine in this state; or</p> <p>(B) Offers or undertakes to prevent, diagnose, correct or treat, in any manner, by any means, method or device, any human disease, illness, pain, wound, fracture, infirmity, defect or abnormal physical or mental condition, injury, deformity or ailment, including the management of pregnancy and parturition; or</p> <p>(C) Attaches the title of M.D., D.O., physician, surgeon, osteopathic physician or osteopathic surgeon, doctor, or any other words, letters or abbreviations or any combination thereof when used in the conduct of any occupation or profession pertaining to the prevention, diagnosis or treatment of human disease or condition unless the designation additionally contains the description of another branch of the healing arts for which one holds a valid license in this state; or</p> <p>(D) Practices osteopathy; or</p> <p>(E) Offers or undertakes to prescribe, order, give or administer drugs which can only be obtained by prescription according to law; or</p> <p>(F) Renders a determination of medical necessity or appropriateness of proposed treatment.</p>	33-15-114	<p><i>Persons deemed to be practicing dentistry; work authorizations from licensed dentist.</i></p> <p>(a) Except as provided by paragraph (xii) of this subsection, any person is deemed to be practicing dentistry within the meaning of this act:</p> <p>(i) Who performs, or attempts, or advertises to perform, or causes to be performed by the patient or any other person, or instructs in the performance of any dental operation or oral surgery or dental service of any kind gratuitously or for a salary, fee, money or other remuneration paid, or to be paid, directly or indirectly, to himself or to any other person or agency;</p> <p>(ii) Who is a manager, proprietor, operator or a conductor of a place where dental operations, oral surgery or dental services are performed;</p> <p>(iii) Who directly or indirectly by any means or method furnishes, supplies, constructs, reproduces or repairs any prosthetic denture, bridge, appliance or other structure to be worn in the human mouth, or places such appliance or structure in the human mouth or attempts to adjust the same;</p> <p>(iv) Who advertises to the public by any method to furnish, supply, construct, reproduce or repair any prosthetic denture, bridge, appliance or other structure to be worn in the human mouth;</p> <p>(v) Who diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats or professes to treat disease, pain, deformity, deficiency, injury or physical condition of human teeth or jaws, or adjacent structure;</p> <p>(vi) Who extracts or attempts to extract human teeth, or corrects or professes to correct malpositions of teeth or of the jaw;</p>	<p align="center">No.</p> <p>Statute only allows a dentist to provide for the diagnose, prescribes for or professes to prescribe for, treats or professes to treat disease, pain, deformity, deficiency, injury or physical condition of human teeth or jaws, or adjacent structure.</p>

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				<p>(vii) Who gives or professes to give interpretations or readings of dental radiographs;</p> <p>(viii) Who administers an anesthetic of any nature in connection with dental operations;</p> <p>(ix) Who uses the words "dentist", "dental surgeon" or "oral surgeon", the letters "D.D.S.", "D.M.D." or any other words, letters, title or descriptive matter which in any way represents him as being able to diagnose, treat, prescribe or operate for any disease, pain, deformity, deficiency, injury or physical condition of human teeth or jaws, or adjacent structures;</p> <p>(x) Who states or advertises or permits to be stated through any medium of communication that the licensee can perform or will attempt to perform dental treatment or render a diagnosis in connection therewith; or</p> <p>(xi) Who engages in any of the practices included in the curriculum of an approved dental college;</p> <p>(xii) A dental laboratory or dental technician is not practicing dentistry within the meaning of this act when engaged in the construction, making, alteration or repairing of bridges, crowns, dentures or other prosthetic or surgical appliances, or orthodontic appliances if the casts or molds or impressions upon which the work is constructed have been made by a regularly licensed and practicing dentist, and if all crowns, bridges, dentures or prosthetic appliances, surgical appliances or orthodontic appliances are returned to the dentist upon whose order the work is constructed.</p> <p>(b) Any licensed dentist who employs or engages the service of any person, firm or corporation to construct, reproduce, make, alter or repair bridges, crowns, dentures or other prosthetic, surgical or orthodontic appliances shall furnish the person with a written work authorization on forms prescribed by the board, which contain:</p> <p>(i) The name and address of the person to whom the work authorized is directed;</p> <p>(ii) The patient's name or identification number, but if only a number is used the patient's name shall be written upon the duplicate copy of the work authorization retained by the</p>	

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				dentist; (iii) The date on which the work authorization was written; (iv) A description of the work to be done, including diagrams, if necessary; (v) A specification of the type and quality of the material to be used; (vi) The signature of the dentist and the number of his license to practice dentistry. (c) The person, firm or corporation receiving a work authorization from a licensed dentist shall retain the original work authorization and the dentist shall retain the duplicate copy for inspection at any reasonable time by the board.	