

Chapter 733

(House Bill 1302)

AN ACT concerning

Health Occupations – Dental Hygienists – Practice in Long-Term Care Facilities

FOR the purpose of authorizing a dental hygienist to practice dental hygiene under the general supervision of a dentist in long-term care facilities under certain circumstances; requiring certain dental hygienists to have a certain written agreement; requiring certain dental hygienists to ensure that the supervising dentist is available for consultation with the dental hygienist; requiring certain dental hygienists to consult with the supervising dentist or a treating physician under certain circumstances; requiring certain dental hygienists to assess the appropriate recall interval for a patient in a certain manner; requiring certain dental hygienists to limit dental hygiene tasks and procedures; requiring certain dental hygienists to submit findings of the initial assessment to the supervising dentist for a certain determination; authorizing certain dental hygienists to perform certain services without the supervising dentist on the premises under certain circumstances; requiring certain dental hygienists to ensure that certain long-term care facilities have a medical emergency plan and certain equipment; requiring the Department of Health and Mental Hygiene to submit a certain report by a certain date to certain committees; providing for the termination of this Act; defining certain terms; and generally relating to the practice of dental hygiene.

BY adding to

Article – Health Occupations
Section 4–308(j)
Annotated Code of Maryland
(2009 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health Occupations

4–308.

(J) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “ASSISTED LIVING PROGRAM” HAS THE MEANING STATED IN § 19–1801 OF THE HEALTH – GENERAL ARTICLE.

(III) “GENERAL SUPERVISION” MEANS SUPERVISION OF A DENTAL HYGIENIST BY A DENTIST, WHERE THE DENTIST MAY OR MAY NOT BE PRESENT WHEN THE DENTAL HYGIENIST PERFORMS THE DENTAL HYGIENE PROCEDURES.

(IV) “LONG-TERM CARE FACILITY” MEANS:

1. A NURSING HOME; OR
2. AN ASSISTED LIVING PROGRAM.

(V) “NURSING HOME” HAS THE MEANING STATED IN § 19-1401 OF THE HEALTH – GENERAL ARTICLE.

(2) (I) WHILE IT IS EFFECTIVE, A GENERAL LICENSE TO PRACTICE DENTAL HYGIENE ISSUED UNDER THIS TITLE AUTHORIZES THE LICENSEE TO PRACTICE DENTAL HYGIENE UNDER THE GENERAL SUPERVISION OF A LICENSED DENTIST IN A LONG-TERM CARE FACILITY IN ACCORDANCE WITH THIS SUBSECTION.

(II) THIS SUBSECTION MAY NOT BE CONSTRUED TO:

1. AUTHORIZE A DENTAL HYGIENIST TO PRACTICE DENTAL HYGIENE INDEPENDENT OF A SUPERVISING DENTIST;
2. PROHIBIT A DENTIST FROM BEING AVAILABLE FOR PERSONAL CONSULTATION OR ON THE PREMISES WHERE A DENTAL HYGIENIST IS PRACTICING;
3. PROHIBIT A DENTAL HYGIENIST, WITHOUT THE SUPERVISION OF A DENTIST, FROM PERFORMING A PRELIMINARY DENTAL EXAMINATION WITH SUBSEQUENT REFERRAL TO A DENTIST; OR
4. REQUIRE A WAIVER UNDER SUBSECTION (E) OF THIS SECTION.

(3) BEFORE A DENTAL HYGIENIST IS AUTHORIZED TO PRACTICE DENTAL HYGIENE UNDER GENERAL SUPERVISION IN A LONG-TERM CARE FACILITY IN ACCORDANCE WITH THIS SUBSECTION, THE DENTAL HYGIENIST SHALL ~~HOLD~~:

(I) HOLD AN ACTIVE LICENSE TO PRACTICE DENTAL HYGIENE IN THE STATE;

(II) HOLD A CURRENT CERTIFICATE EVIDENCING HEALTH PROVIDER LEVEL C PROFICIENCY, OR ITS EQUIVALENT, IN CARDIOPULMONARY RESUSCITATION;

(III) HAVE AT LEAST 2 YEARS OF ACTIVE CLINICAL PRACTICE IN DIRECT PATIENT CARE; AND

(IV) ENSURE THAT THE LONG-TERM CARE FACILITY WHERE THE DENTAL HYGIENIST WILL PRACTICE UNDER GENERAL SUPERVISION HAS:

1. A WRITTEN MEDICAL EMERGENCY PLAN IN PLACE;

2. ADEQUATE EQUIPMENT, INCLUDING PORTABLE EQUIPMENT AND APPROPRIATE ARMAMENTARIUM, AVAILABLE FOR THE APPROPRIATE DELIVERY OF DENTAL HYGIENE SERVICES; AND

3. ADEQUATE SAFEGUARDS TO PROTECT THE PATIENT'S HEALTH AND SAFETY.

(4) BEFORE A DENTAL HYGIENIST IS AUTHORIZED TO PRACTICE DENTAL HYGIENE UNDER GENERAL SUPERVISION IN A LONG-TERM CARE FACILITY IN ACCORDANCE WITH THIS SUBSECTION, THE SUPERVISING DENTIST SHALL:

(I) HOLD AN ACTIVE GENERAL LICENSE TO PRACTICE DENTISTRY IN THE STATE;

(II) HOLD A CURRENT CERTIFICATE EVIDENCING HEALTH PROVIDER LEVEL C PROFICIENCY, OR ITS EQUIVALENT, IN CARDIOPULMONARY RESUSCITATION; AND

(III) HAVE AT LEAST 2 YEARS OF ACTIVE CLINICAL PRACTICE IN DIRECT PATIENT CARE.

~~(4)~~ (5) A DENTAL HYGIENIST PRACTICING UNDER THE GENERAL SUPERVISION OF A LICENSED DENTIST IN A LONG-TERM CARE FACILITY AND PERFORMING AN AUTHORIZED DENTAL HYGIENE SERVICE FOR A PATIENT'S INITIAL APPOINTMENT SHALL:

(I) HAVE A WRITTEN AGREEMENT BETWEEN THE SUPERVISING DENTIST AND THE DENTAL HYGIENIST THAT CLEARLY SETS FORTH THE TERMS AND CONDITIONS UNDER WHICH THE DENTAL HYGIENIST MAY PRACTICE, INCLUDING A STATEMENT THAT THE DENTAL HYGIENIST MAY PROVIDE DENTAL HYGIENE SERVICES WITHOUT THE SUPERVISING DENTIST ON THE PREMISES;

(II) ENSURE THAT THE SUPERVISING DENTIST IS AVAILABLE FOR CONSULTATION WITH THE DENTAL HYGIENIST;

1. IN PERSON;
2. BY TELEPHONE; OR
3. ELECTRONICALLY;

~~(III)~~ (III) CONSULT WITH THE SUPERVISING DENTIST OR A TREATING PHYSICIAN BEFORE PROCEEDING WITH INITIAL TREATMENT IF THERE IS A CHANGE IN A RECALL PATIENT'S MEDICAL HISTORY;

~~(IV)~~ (IV) ASSESS THE APPROPRIATE RECALL INTERVAL BASED ON THE INDIVIDUAL NEEDS OF THE PATIENT, OR AS OTHERWISE RECOMMENDED BY THE SUPERVISING DENTIST; ~~AND~~

(V) LIMIT DENTAL HYGIENE TASKS AND PROCEDURES TO:

1. TOOTHBRUSH PROPHYLAXIS;
2. APPLICATION OF FLUORIDE;
3. DENTAL HYGIENE INSTRUCTION;
4. ASSESSMENT OF THE PATIENT'S APPARENT NEED FOR FURTHER EVALUATION BY A DENTIST IN ORDER TO DIAGNOSE THE PRESENCE OF DENTAL DISEASE; AND
5. OTHER DUTIES AS MAY BE DELEGATED, VERBALLY OR IN WRITING, BY THE SUPERVISING DENTIST; AND

(VI) SUBMIT FINDINGS OF THE INITIAL ASSESSMENT TO THE SUPERVISING DENTIST FOR A DETERMINATION OF FUTURE TREATMENT.

~~(IV) ENSURE THAT THE LONG TERM CARE FACILITY WHERE THE DENTAL HYGIENIST PRACTICES UNDER GENERAL SUPERVISION HAS:~~

~~1. A MEDICAL EMERGENCY PLAN; AND~~

~~2. ADEQUATE EQUIPMENT, INCLUDING PORTABLE EQUIPMENT AND APPROPRIATE ARMAMENTARIUM AVAILABLE FOR THE APPROPRIATE DELIVERY OF DENTAL HYGIENE SERVICES.~~

(6) A DENTAL HYGIENIST MAY PERFORM SUBSEQUENT AUTHORIZED DENTAL HYGIENE SERVICES WITHOUT THE SUPERVISING DENTIST ON THE PREMISES ONLY IF:

(I) THE SUPERVISING DENTIST EXAMINES THE PATIENT AND AUTHORIZES IN THE PATIENT'S RECORD A PRESCRIPTION OF SPECIFIC TREATMENT TO BE PROVIDED BY THE DENTAL HYGIENIST;

(II) AN AUTHORIZED TREATMENT IS PROVIDED BY THE DENTAL HYGIENIST AS SOON AS POSSIBLE, BUT NO LATER THAN 7 MONTHS FROM THE DATE THE PATIENT WAS EXAMINED BY THE SUPERVISING DENTIST; AND

(III) UPON EXPIRATION OF A PRESCRIBED TREATMENT, THE SUPERVISING DENTIST IS RESPONSIBLE FOR DETERMINING FUTURE PROTOCOLS FOR THE TREATMENT OF THE PATIENT.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2013, the Department of Health and Mental Hygiene shall evaluate the use, effectiveness, and impact of this Act, and, in accordance with § 2-1246 of the State Government Article, submit a report of its findings to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2010. It shall remain effective for a period of 4 years and, at the end of June 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 20, 2010.