

HOUSE BILL 830

J2, J1

6lr2862
CF SB 538

By: **Delegates Kipke, Krebs, Angel, Barron, Hill, Kelly, Oaks, Pendergrass, Rose, Sample-Hughes, and West**

Introduced and read first time: February 8, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Dental Hygienists – Scope of Practice – Authority to Practice Under General**
3 **Supervision of Licensed Dentists**
4 **(Oral Health Access for Underserved Marylanders Act)**

5 FOR the purpose of altering a certain provision of law to provide that a general license to
6 practice dental hygiene authorizes the licensee to practice dental hygiene under the
7 general supervision of a licensed dentist in a certain facility with a population that
8 lacks direct access to dental care, rather than only in a long-term care facility;
9 altering the requirements that a dental hygienist is required to meet before being
10 authorized to practice dental hygiene under the general supervision of a licensed
11 dentist in a certain facility; altering the requirements that must be met by a dental
12 hygienist who is practicing under the general supervision of a licensed dentist in a
13 certain facility and performing a certain dental hygiene service; making conforming
14 changes; and generally relating to the authority of dental hygienists to practice
15 under the general supervision of licensed dentists.

16 BY repealing and reenacting, with amendments,
17 Article – Health Occupations
18 Section 4–308(m)
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2015 Supplement)

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

23 **Article – Health Occupations**

24 4–308.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (m) (1) (i) In this subsection the following words have the meanings
2 indicated.

3 (ii) “Assisted living program” has the meaning stated in § 19–1801
4 of the Health – General Article.

5 (iii) “General supervision” means supervision of a dental hygienist by
6 a dentist, where the dentist may or may not be present when the dental hygienist performs
7 the dental hygiene procedures.

8 (iv) “Long–term care facility” means:

- 9 1. A nursing home; or
- 10 2. An assisted living program.

11 (v) “Nursing home” has the meaning stated in § 19–1401 of the
12 Health – General Article.

13 (2) (i) While it is effective, a general license to practice dental hygiene
14 issued under this title authorizes the licensee to practice dental hygiene **IN ACCORDANCE**
15 **WITH THIS SUBSECTION** under the general supervision of a licensed dentist in a
16 long–term care facility, **SCHOOL, OR ANY OTHER FACILITY WITH A POPULATION THAT**
17 **LACKS DIRECT ACCESS TO DENTAL CARE** [in accordance with this subsection].

18 (ii) This subsection may not be construed to:

- 19 1. Authorize a dental hygienist to practice dental hygiene
20 independent of a supervising dentist;
- 21 2. Prohibit a dentist from being available for personal
22 consultation or on the premises where a dental hygienist is practicing; **OR**
- 23 3. [Prohibit a dental hygienist, without the supervision of a
24 dentist, from performing a preliminary dental examination with subsequent referral to a
25 dentist; or
- 26 4.] Require a waiver under subsection (f) of this section.

27 (3) Before a dental hygienist is authorized to practice dental hygiene under
28 general supervision in a [long–term care] facility in accordance with this subsection, the
29 dental hygienist shall:

30 (i) Hold an active license to practice dental hygiene in the State;

1 (ii) Hold a current certificate evidencing health provider level C
2 proficiency, or its equivalent, in cardiopulmonary resuscitation;

3 (iii) Have at least 2 years of active clinical practice in direct patient
4 care; [and]

5 (iv) Ensure that the [long-term care] facility where the dental
6 hygienist will practice under general supervision has:

7 1. A written medical emergency plan in place;

8 2. [Adequate] **UNLESS THE DENTAL HYGIENIST IS**
9 **PROVIDING THE EQUIPMENT, ADEQUATE** equipment, including portable equipment and
10 appropriate armamentarium, available for the appropriate delivery of dental hygiene
11 services; and

12 3. Adequate safeguards to protect the patient's health and
13 safety; **AND**

14 **(V) SUBMIT TO THE DEPARTMENT:**

15 1. **AN OVERVIEW OF:**

16 **A. THE POPULATION TO BE SERVED; AND**

17 **B. THE METHOD BY WHICH THE SERVICES ARE TO BE**
18 **PROVIDED;**

19 2. **THE NAME OF THE FACILITY AT WHICH THE SERVICES**
20 **ARE TO BE PROVIDED; AND**

21 3. **THE WRITTEN AGREEMENT REQUIRED UNDER**
22 **PARAGRAPH (5)(I) OF THIS SUBSECTION.**

23 (4) Before a dental hygienist is authorized to practice dental hygiene under
24 general supervision in a [long-term care] facility in accordance with this subsection, the
25 supervising dentist shall:

26 (i) Hold an active general license to practice dentistry in the State;

27 (ii) Hold a current certificate evidencing health provider level C
28 proficiency, or its equivalent, in cardiopulmonary resuscitation; and

29 (iii) Have at least 2 years of active clinical practice in direct patient
30 care.

1 (5) A dental hygienist practicing under the general supervision of a
2 licensed dentist in a [long-term care] facility **IN ACCORDANCE WITH THIS SUBSECTION**
3 and performing an authorized dental hygiene service for a patient's [initial] appointment
4 shall:

5 (i) Have a written agreement between the supervising dentist and
6 the dental hygienist that clearly sets forth the terms and conditions under which the dental
7 hygienist may practice, including a statement that the dental hygienist may provide dental
8 hygiene services without the supervising dentist on the premises;

9 (ii) Ensure that the supervising dentist is available for consultation
10 with the dental hygienist:

- 11 1. In person;
- 12 2. By telephone; or
- 13 3. Electronically;

14 (iii) [Consult with the supervising dentist or a treating physician
15 before proceeding with initial treatment if there is a change in a recall patient's medical
16 history] **ENSURE THAT THE SUPERVISING DENTIST IS AVAILABLE ON A REGULARLY**
17 **SCHEDULED BASIS TO:**

- 18 1. **REVIEW THE PRACTICE OF THE DENTAL HYGIENIST;**
- 19 2. **PROVIDE CONSULTATION TO THE DENTAL**
20 **HYGIENIST;**
- 21 3. **REVIEW PATIENT RECORDS OF THE DENTAL**
22 **HYGIENIST; AND**
- 23 4. **PROVIDE ADDITIONAL EDUCATION TO THE DENTAL**
24 **HYGIENIST IN THE PERFORMANCE OF THE DENTAL HYGIENIST'S DUTIES;**

25 (iv) Assess the appropriate recall interval based on the individual
26 needs of the patient, or as otherwise recommended by the supervising dentist;

27 (v) Limit **PREVENTIVE** dental hygiene tasks and procedures to[:

- 28 1. Toothbrush prophylaxis;
- 29 2. Application of fluoride;
- 30 3. Dental hygiene instruction;

1 4. Assessment of the patient's apparent need for further
2 evaluation by a dentist in order to diagnose the presence of dental disease; and

3 5. Other duties as may be delegated, verbally or in writing,
4 by the supervising dentist] **THOSE AUTHORIZED UNDER THE DENTAL HYGIENIST'S**
5 **SCOPE OF PRACTICE;** and

6 (vi) [Submit findings of the initial assessment to the supervising
7 dentist for a determination of future treatment] **CRITICALLY EVALUATE THE NEED TO**
8 **REFER A PATIENT BEING SERVED TO A DENTIST OR DENTAL CARE FACILITY BASED**
9 **ON THE PATIENT'S OVERALL ORAL HEALTH STATUS.**

10 (6) A dental hygienist may perform subsequent authorized dental hygiene
11 services without the supervising dentist on the premises [only if:

12 (i) The supervising dentist examines the patient and authorizes in
13 the patient's record a prescription of specific treatment to be provided by the dental
14 hygienist;

15 (ii) An authorized treatment is provided by the dental hygienist as
16 soon as possible, but no later than 7 months from the date the patient was examined by the
17 supervising dentist; and

18 (iii) Upon expiration of a prescribed treatment, the supervising
19 dentist is responsible for determining future protocols for the treatment of the patient].

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2016.