

HOUSE BILL 841

J2

(11r2831)

ENROLLED BILL

— Health and Government Operations / Education, Health, and Environmental Affairs —

Introduced by ~~Delegate Kipke~~ Delegates Kipke, Kach, Pendergrass, Bromwell, Cullison, Krebs, and Donoghue

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Dental Hygienists – Nitrous Oxide**

3 FOR the purpose of altering the definition of “practice dental hygiene” for purposes of
4 certain provisions of law governing dental hygienists to include ~~administering~~
5 ~~nitrous oxide and~~ monitoring a patient, *under certain circumstances*, to whom
6 nitrous oxide is administered; authorizing the State Board of Dental Examiners
7 to adopt certain regulations; *authorizing a dental hygienist, under certain*
8 *circumstances, to monitor a patient to whom nitrous oxide is administered;*
9 *requiring a dental hygienist to complete certain educational and examination*
10 *requirements before performing certain functions; providing for the termination*
11 *of this Act; altering the authority of the Board to adopt certain rules and*
12 ~~regulations concerning the administration of certain anesthesia by certain~~
13 ~~dental hygienists~~; and generally relating to the practice of dental hygiene.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Article – Health Occupations
 3 Section 4–101(k), and 4–205(a)(1), ~~and 4–206~~
 4 Annotated Code of Maryland
 5 (2009 Replacement Volume and 2010 Supplement)

6 BY adding to
 7 Article – Health Occupations
 8 Section 4–206.2
 9 Annotated Code of Maryland
 10 (2009 Replacement Volume and 2010 Supplement)

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

13 **Article – Health Occupations**

14 4–101.

15 (k) “Practice dental hygiene” means to:

16 (1) Perform a preliminary dental examination;

17 (2) Perform a complete prophylaxis, including the removal of any
 18 deposit, accretion, or stain from the surface of a tooth or a restoration;

19 (3) Polish a tooth or a restoration;

20 (4) Chart cavities, restorations, missing teeth, periodontal conditions,
 21 and other features observed during preliminary examination, prophylaxis, or
 22 polishing;

23 (5) Apply a medicinal agent to a tooth for a prophylactic purpose;

24 (6) Take a dental X ray;

25 (7) Perform a manual curettage in conjunction with scaling and root
 26 planing;

27 (8) Administer local anesthesia in accordance with § 4–206.1 of this
 28 title; [or]

29 ~~(9) ADMINISTER NITROUS OXIDE;~~

30 ~~(10) MONITOR, IN ACCORDANCE WITH § 4–206.2 OF THIS TITLE, A~~
 31 PATIENT TO WHOM NITROUS OXIDE IS ADMINISTERED; OR

1 1. The education, training, evaluation, and examination
2 of a dental hygienist before the dental hygienist may administer local anesthesia
3 under § 4-206.1 of this subtitle; and

4 2. Administering by a dental hygienist of local
5 anesthesia under § 4-206.1 of this subtitle;

6 **(IX) REASONABLE REQUIREMENTS FOR:**

7 1. **THE EDUCATION, TRAINING, EVALUATION, AND**
8 **EXAMINATION OF A DENTAL HYGIENIST BEFORE A DENTAL HYGIENIST MAY**
9 ~~ADMINISTER NITROUS OXIDE TO A PATIENT OR~~ **MONITOR A PATIENT TO WHOM**
10 **NITROUS OXIDE IS BEING ADMINISTERED, SUBJECT TO § 4-206.2 OF THIS**
11 **SUBTITLE; AND**

12 2. ~~ADMINISTRATION OF NITROUS OXIDE BY A~~
13 ~~DENTAL HYGIENIST; AND~~

14 ~~3. MONITORING BY A DENTAL HYGIENIST, IN~~
15 ~~ACCORDANCE WITH § 4-206.2 OF THIS SUBTITLE,~~ **OF A PATIENT TO WHOM**
16 **NITROUS OXIDE IS BEING ADMINISTERED;**

17 [(ix)] **(X)** The discipline of a holder of any facility or
18 administration permit for the administration of general anesthesia or sedation; and

19 [(x)] **(XI)** The release of patient dental records;

20 ~~4-206.~~

21 (a) ~~Except as otherwise provided in this section, the Board may adopt rules~~
22 ~~and regulations that authorize a licensed dental hygienist to perform additional~~
23 ~~intraoral functions.~~

24 (b) ~~The Board may not authorize a licensed dental hygienist to:~~

25 (1) ~~Perform a diagnosis;~~

26 (2) ~~Perform an extraction;~~

27 (3) ~~Repair a cavity;~~

28 (4) ~~Correct tooth placement;~~

29 (5) ~~Perform a surgical procedure; or~~

30 (6) ~~Administer anesthesia other than the following:~~

- 1 (i) ~~Topical anesthesia; [or]~~
- 2 (ii) ~~Local anesthesia in accordance with § 4-206.1 of this~~
- 3 ~~subtitle; OR~~
- 4 (iii) ~~NITROUS OXIDE.~~

5 4-206.2.

6 **(A) A DENTAL HYGIENIST MAY MONITOR A PATIENT TO WHOM NITROUS**
7 **OXIDE IS ADMINISTERED PROVIDED THE MONITORING OF THE PATIENT IS**
8 **UNDER THE SUPERVISION OF A DENTIST WHO IS PHYSICALLY PRESENT ON THE**
9 **PREMISES.**

10 **(B) BEFORE A DENTAL HYGIENIST MAY MONITOR A PATIENT TO WHOM**
11 **NITROUS OXIDE IS ADMINISTERED, THE DENTAL HYGIENIST SHALL**
12 **SUCCESSFULLY COMPLETE THE FOLLOWING:**

13 **(1) ANY EDUCATIONAL REQUIREMENTS ESTABLISHED BY THE**
14 **BOARD; AND**

15 **(2) A WRITTEN AND CLINICAL EXAMINATION AS REQUIRED BY THE**
16 **BOARD.**

17 **(C) A DENTAL HYGIENIST SHALL COMPLETE THE EDUCATIONAL**
18 **REQUIREMENTS ESTABLISHED BY THE BOARD UNDER SUBSECTION (B)(1) OF**
19 **THIS SECTION THROUGH AN ACCREDITED DENTAL HYGIENE PROGRAM.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2011. It shall remain effective for a period of 3 years and, at the end of
22 September 30, 2014, with no further action required by the General Assembly, this Act
23 shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the
Senate.