

## Chapter 272

(House Bill 841)

AN ACT concerning

### Health Occupations – Dental Hygienists – Nitrous Oxide

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

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

*BY adding to*  
*Article – Health Occupations*  
*Section 4-206.2*  
*Annotated Code of Maryland*  
*(2009 Replacement Volume and 2010 Supplement)*

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

#### Article – Health Occupations

4-101.

(k) “Practice dental hygiene” means to:

- (1) Perform a preliminary dental examination;
- (2) Perform a complete prophylaxis, including the removal of any deposit, accretion, or stain from the surface of a tooth or a restoration;

- (3) Polish a tooth or a restoration;
- (4) Chart cavities, restorations, missing teeth, periodontal conditions, and other features observed during preliminary examination, prophylaxis, or polishing;
- (5) Apply a medicinal agent to a tooth for a prophylactic purpose;
- (6) Take a dental X ray;
- (7) Perform a manual curettage in conjunction with scaling and root planing;
- (8) Administer local anesthesia in accordance with § 4-206.1 of this title; [or]
- (9) ~~ADMINISTER NITROUS OXIDE;~~
- ~~(10) MONITOR, IN ACCORDANCE WITH § 4-206.2 OF THIS TITLE, A PATIENT TO WHOM NITROUS OXIDE IS ADMINISTERED; OR~~

[(9)] ~~(11)~~ (10) Perform any other intraoral function that the Board authorizes by a rule or regulation adopted under § 4-206 of this title.

4-205.

- (a) In addition to the powers set forth elsewhere in this title, the Board may:
  - (1) Adopt regulations governing:
    - (i) The administration of general anesthesia by a licensed dentist;
    - (ii) The administration of sedation by a licensed dentist;
    - (iii) The use of a dental assistant by a licensed dentist in performing intraoral procedures;
    - (iv) Subject to subsection (b) of this section, the issuance of a permit to a facility not otherwise regulated where a dentist administers or has general anesthesia or sedation administered;
    - (v) Subject to subsection (b) of this section, the issuance of a permit to a dentist who administers or has general anesthesia or sedation administered;

(vi) Reasonable requirements for the training and evaluation of a dentist before the dentist may administer general anesthesia or sedation other than nitrous oxide administered alone and not in conjunction with:

1. Another method of diminishing or eliminating pain; or
2. Medication used for diminishing or eliminating anxiety;

(vii) Reasonable requirements for:

1. The education, training, evaluation, and examination of a dental hygienist before the dental hygienist may perform manual curettage in conjunction with scaling and root planing; and
2. Performance by a dental hygienist of manual curettage in conjunction with scaling and root planing;

(viii) Reasonable requirements for:

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

**(IX) REASONABLE REQUIREMENTS FOR:**

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

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

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

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

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

~~4-206.~~

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

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

~~(1) Perform a diagnosis;~~

~~(2) Perform an extraction;~~

~~(3) Repair a cavity;~~

~~(4) Correct tooth placement;~~

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

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

~~(i) Topical anesthesia; [or]~~

~~(ii) Local anesthesia in accordance with § 4-206.1 of this subtitle; OR~~

~~(III) NITROUS OXIDE.~~

4-206.2.

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011. It shall remain effective for a period of 3 years and, at the end of September 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 10, 2011.**