

SENATE BILL 306

J2

2lr1757
CF HB 219

By: **Senator Lam**

Introduced and read first time: January 20, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Dental Hygienists – Consultation Requirements – Health Care Practitioners**

3 FOR the purpose of altering the types of health care practitioners with whom a dental
4 hygienist must consult before providing certain treatment to a dental patient to
5 include a patient’s registered nurse practitioner, certified nurse midwife, or licensed
6 certified midwife; and generally relating to dental hygienists and the provision of
7 dental services.

8 BY repealing and reenacting, with amendments,

9 Article – Health Occupations

10 Section 4–308(k)(4)(vi) and (m)(1) and (5)

11 Annotated Code of Maryland

12 (2021 Replacement Volume)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Health Occupations**

16 4–308.

17 (k) (4) A facility in which a dental hygienist is authorized to practice under the
18 general supervision of a licensed dentist in accordance with this subsection shall ensure
19 that:

20 (vi) A dental hygienist consults with the supervising dentist, the
21 patient’s dentist, **REGISTERED NURSE PRACTITIONER, CERTIFIED NURSE MIDWIFE,**
22 **OR LICENSED CERTIFIED MIDWIFE,** or a treating physician before proceeding with
23 treatment if there is a change in the patient’s medical history;

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) **“(CLINICAL OFFICE)” MEANS AN OFFICE OF A LICENSED
6 PHYSICIAN, REGISTERED NURSE PRACTITIONER, CERTIFIED NURSE MIDWIFE, OR
7 LICENSED CERTIFIED MIDWIFE WHO PROVIDES PRENATAL, POSTPARTUM, OR
8 PRIMARY CARE AND IN WHICH THE SUPERVISING DENTIST AND DENTAL HYGIENIST
9 COMMUNICATE WITH THE LICENSED PHYSICIAN, CERTIFIED REGISTERED NURSE
10 PRACTITIONER, CERTIFIED NURSE MIDWIFE, OR LICENSED CERTIFIED MIDWIFE IN
11 PROVIDING DENTAL HYGIENE SERVICES TO A PATIENT.**

12 [(iii)] (IV) “Facility” means:

- 13 1. A nursing home;
- 14 2. An assisted living program;
- 15 3. [Medical] **CLINICAL** offices; or
- 16 4. A group home or adult day care center.

17 [(iv)] (V) “General supervision” means supervision of a dental
18 hygienist by a dentist, where the dentist may or may not be present when the dental
19 hygienist performs the dental hygiene procedures.

20 [(v)] (VI) “Group home or adult day care center” means a group
21 home or adult day care center where the patient’s medical records are made available to
22 the dentist and the dental hygienist and that obtains the consent of the patient or the
23 patient’s guardian for dental hygiene services to be provided under this subsection.

24 [(vi)] “Medical office” means an office of a licensed physician who
25 provides prenatal or primary medical care and in which the physician, supervising dentist,
26 and dental hygienist communicate in providing dental hygiene services to a patient.]

27 (vii) “Nursing home” has the meaning stated in § 19–1401 of the
28 Health – General Article.

29 (5) A dental hygienist practicing under the general supervision of a
30 licensed dentist in a facility and performing an authorized dental hygiene service for a
31 patient’s initial appointment shall:

32 (i) Ensure that, while the dental hygienist is performing the service,
33 the supervising dentist is available for consultation with the dental hygienist:

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

4 (ii) Consult with the supervising dentist or a treating physician **OR**
 5 **THE PATIENT’S REGISTERED NURSE PRACTITIONER, CERTIFIED NURSE MIDWIFE,**
 6 **OR LICENSED CERTIFIED MIDWIFE** before proceeding with initial treatment if there is a
 7 change in or concerns about a patient’s medical history;

8 (iii) Assess the appropriate recall interval based on the needs of the
 9 patient, or as otherwise recommended by the supervising dentist;

10 (iv) Limit dental hygiene tasks and procedures provided during the
 11 initial appointment to:

- 12 1. Toothbrush prophylaxis;
- 13 2. Application of fluoride;
- 14 3. Dental hygiene instruction;
- 15 4. Full mouth debridement;
- 16 5. Assessing the patient’s apparent need for further
 17 evaluation by a dentist in order to diagnose the presence of dental disease; and
- 18 6. Other duties as may be delegated, verbally or in writing,
 19 by the supervising dentist; and

20 (v) Submit findings of the initial assessment to the supervising
 21 dentist for a collaborative determination of future treatment based on the patient’s overall
 22 health status.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 24 October 1, 2022.