

SENATE BILL 344

J2

(2lr1093)

ENROLLED BILL

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

Introduced by ~~Senator Middleton~~ Senators Middleton and Simonaire

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.

President.

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Dental Hygienists – Local Anesthesia**

3 FOR the purpose of authorizing a dental hygienist to administer certain local
4 anesthesia by inferior alveolar nerve block under certain circumstances;
5 requiring a dental hygienist to complete certain education and examination
6 requirements before performing certain functions; requiring a dental hygienist
7 to obtain certain education from an accredited dental hygiene program;
8 requiring a dental hygienist who completed certain requirements before a
9 certain date to take and complete a certain course and clinical examination;
10 authorizing the State Board of Dental Examiners to adopt certain regulations;
11 requiring the Board to report to certain committees of the General Assembly on or
12 before a certain date; altering a certain definition; and generally relating to the
13 administration of local anesthesia by dental hygienists.

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, without amendments,
2 Article – Health Occupations
3 Section 4–101(a)
4 Annotated Code of Maryland
5 (2009 Replacement Volume and 2011 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Health Occupations
8 Section 4–101(k) and 4–205(a)(1)
9 Annotated Code of Maryland
10 (2009 Replacement Volume and 2011 Supplement)

11 BY adding to
12 Article – Health Occupations
13 Section 4–206.3
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2011 Supplement)

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

18 **Article – Health Occupations**

19 4–101.

20 (a) In this title the following words have the meanings indicated.

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

22 (1) Perform a preliminary dental examination;

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

25 (3) Polish a tooth or a restoration;

26 (4) Chart cavities, restorations, missing teeth, periodontal conditions,
27 and other features observed during preliminary examination, prophylaxis, or
28 polishing;

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

30 (6) Take a dental X ray;

31 (7) Perform a manual curettage in conjunction with scaling and root
32 planing;

1 (8) Administer local anesthesia in accordance with § 4–206.1 **OR §**
2 **4–206.3** of this title;

3 (9) Monitor, in accordance with § 4–206.2 of this title, a patient to
4 whom nitrous oxide is administered; or

5 (10) Perform any other intraoral function that the Board authorizes by
6 a rule or regulation adopted under § 4–206 of this title.
7 4–205.

8 (a) In addition to the powers set forth elsewhere in this title, the Board may:

9 (1) Adopt regulations governing:

10 (i) The administration of general anesthesia by a licensed
11 dentist;

12 (ii) The administration of sedation by a licensed dentist;

13 (iii) The use of a dental assistant by a licensed dentist in
14 performing intraoral procedures;

15 (iv) Subject to subsection (b) of this section, the issuance of a
16 permit to a facility not otherwise regulated where a dentist administers or has general
17 anesthesia or sedation administered;

18 (v) Subject to subsection (b) of this section, the issuance of a
19 permit to a dentist who administers or has general anesthesia or sedation
20 administered;

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

24 1. Another method of diminishing or eliminating pain; or

25 2. Medication used for diminishing or eliminating
26 anxiety;

27 (vii) Reasonable requirements for:

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

1 2. Performance by a dental hygienist of manual
2 curettage in conjunction with scaling and root planing;

3 (viii) Reasonable requirements for:

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

7 2. Administering by a dental hygienist of local
8 anesthesia under § 4–206.1 of this subtitle;

9 (ix) Reasonable requirements for:

10 1. The education, training, evaluation, and examination
11 of a dental hygienist before a dental hygienist may monitor a patient to whom nitrous
12 oxide is being administered, subject to § 4–206.2 of this subtitle; and

13 2. Monitoring by a dental hygienist, in accordance with §
14 4–206.2 of this subtitle, of a patient to whom nitrous oxide is being administered;

15 **(X) REASONABLE REQUIREMENTS FOR THE EDUCATION,
16 TRAINING, EVALUATION, AND EXAMINATION OF A DENTAL HYGIENIST BEFORE A
17 DENTAL HYGIENIST MAY ADMINISTER LOCAL ANESTHESIA BY INFERIOR
18 ALVEOLAR NERVE BLOCK UNDER § 4–206.3 OF THIS SUBTITLE;**

19 ~~[(x)]~~ **(XI)** The discipline of a holder of any facility or
20 administration permit for the administration of general anesthesia or sedation; and

21 ~~[(xi)]~~ **(XII)** The release of patient dental records;

22 **4–206.3.**

23 **(A) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS
24 SECTION, A DENTAL HYGIENIST MAY ADMINISTER LOCAL ANESTHESIA BY
25 INFERIOR ALVEOLAR NERVE BLOCK FOR THE PURPOSE OF ANESTHETIZING
26 SOFT TISSUE TO FACILITATE THE PERFORMANCE OF DENTAL HYGIENE
27 PROCEDURES, BUT NOT AS A MEDICAL SPECIALTY, PROVIDED THE
28 ADMINISTRATION OF THE LOCAL ANESTHESIA IS UNDER THE SUPERVISION OF A
29 DENTIST WHO:**

30 **(1) IS PHYSICALLY PRESENT ON THE PREMISES; AND**

31 **(2) PRESCRIBES THE ADMINISTRATION OF LOCAL ANESTHESIA
32 BY THE DENTAL HYGIENIST.**

1 (B) (1) BEFORE A DENTAL HYGIENIST MAY ADMINISTER LOCAL
2 ANESTHESIA UNDER SUBSECTION (A) OF THIS SECTION, THE DENTAL HYGIENIST
3 SHALL SUCCESSFULLY COMPLETE THE FOLLOWING:

4 (I) ANY EDUCATIONAL REQUIREMENTS ESTABLISHED BY
5 THE BOARD; AND

6 (II) A WRITTEN AND CLINICAL EXAMINATION AS REQUIRED
7 BY THE BOARD.

8 (2) A DENTAL HYGIENIST SHALL OBTAIN THE EDUCATION
9 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION FROM AN ACCREDITED
10 DENTAL HYGIENE PROGRAM.

11 (3) A DENTAL HYGIENIST WHO SUCCESSFULLY COMPLETED THE
12 EDUCATION REQUIREMENTS AND EXAMINATION REQUIRED UNDER PARAGRAPH
13 (1) OF THIS SUBSECTION BEFORE OCTOBER 1, 2011, SHALL TAKE AND
14 SUCCESSFULLY COMPLETE A REFRESHER COURSE AND A CLINICAL
15 EXAMINATION FROM AN ACCREDITED DENTAL HYGIENE PROGRAM.

16 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,
17 2015, the State Board of Dental Examiners shall report to the Senate Education,
18 Health, and Environmental Affairs Committee and the House Health and Government
19 Operations Committee, in accordance with § 2-1246 of the State Government Article, on
20 the implementation of this Act and how the Act has impacted the dental profession.

21 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect October 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.