

HOUSE BILL 491

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CF SB 502

By: **Delegates Bromwell, Costa, Hammen, and Kach**

Introduced and read first time: February 7, 2011

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Temporary Volunteer Dentist’s License, Temporary**
3 **Volunteer Dental Hygienist’s License, and Temporary Dental Clinic Permit**

4 FOR the purpose of establishing a temporary volunteer dentist’s license, a temporary
5 volunteer dental hygienist’s license, and a temporary dental clinic permit under
6 the State Board of Dental Examiners; altering a certain qualification for certain
7 dentists and dental hygienists licensed in another state to be granted a license
8 in this State; establishing certain procedures for dentists, dental hygienists, and
9 bona fide charitable organizations to apply for certain licenses and permits;
10 establishing the scope of practice of certain licenses; prohibiting the Board from
11 requiring continuing education as a condition for the issuance of certain
12 licenses; requiring temporary dental clinics to have a medical emergency plan,
13 certain equipment, and certain safeguards; specifying certain powers of the
14 Board; altering certain definitions; defining a certain term; making a stylistic
15 change; and generally relating to the establishment of a temporary volunteer
16 dentist’s license, a temporary volunteer dental hygienist’s license, and a
17 temporary dental clinic permit.

18 BY repealing and reenacting, with amendments,
19 Article – Health Occupations
20 Section 4–101, 4–304, 4–306, and 4–308
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2010 Supplement)

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

25 **Article – Health Occupations**

26 4–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (a) In this title the following words have the meanings indicated.
- 2 (b) “Board” means the State Board of Dental Examiners.
- 3 (c) “Dental appliance” means any:
- 4 (1) Oral prosthesis;
- 5 (2) Orthodontic appliance;
- 6 (3) Regulatory appliance;
- 7 (4) Supportive appliance; or
- 8 (5) Other intraoral appliance or restoration.
- 9 (d) “Dental hygienist” means an individual, other than a dentist, who
10 practices dental hygiene.
- 11 (e) “Dental laboratory” means any commercial laboratory or workroom in
12 which a person engages in dental laboratory work.
- 13 (f) “Dental laboratory work” means making, repairing, or altering a dental
14 appliance extraorally.
- 15 (g) “Dentist” means an individual who practices dentistry.
- 16 (h) (1) “License” means, unless the context requires otherwise, a license
17 issued by the Board to:
- 18 (i) Practice dentistry; or
- 19 (ii) Practice dental hygiene.
- 20 (2) “License” includes, unless the context requires otherwise:
- 21 (i) A general license to practice dentistry;
- 22 (ii) A limited license to practice dentistry;
- 23 (iii) A teacher’s license to practice dentistry;
- 24 (iv) A general license to practice dental hygiene;
- 25 (v) A teacher’s license to practice dental hygiene;
- 26 (vi) A retired volunteer dentist’s license to practice dentistry;

1 (vii) A retired volunteer dental hygienist’s license to practice
2 dental hygiene;

3 (viii) A volunteer dentist’s license to practice dentistry; [and]

4 (ix) A volunteer dental hygienist’s license to practice dental
5 hygiene;

6 (X) A TEMPORARY VOLUNTEER DENTIST’S LICENSE TO
7 PRACTICE DENTISTRY; AND

8 (XI) A TEMPORARY DENTAL HYGIENIST’S LICENSE TO
9 PRACTICE DENTAL HYGIENE.

10 (i) (1) “Licensed dental hygienist” means, unless the context requires
11 otherwise, a dental hygienist who is licensed by the Board to practice dental hygiene.

12 (2) “Licensed dental hygienist” includes, unless the context requires
13 otherwise, a holder of:

14 (i) A general license to practice dental hygiene;

15 (ii) A teacher’s license to practice dental hygiene;

16 (iii) A retired volunteer dental hygienist’s license to practice
17 dental hygiene; [or]

18 (iv) A volunteer dental hygienist’s license to practice dental
19 hygiene; OR

20 (V) A TEMPORARY VOLUNTEER DENTAL HYGIENIST’S
21 LICENSE TO PRACTICE DENTAL HYGIENE.

22 (j) (1) “Licensed dentist” means, unless the context requires otherwise, a
23 dentist who is licensed by the Board to practice dentistry.

24 (2) “Licensed dentist” includes, unless the context requires otherwise,
25 a holder of:

26 (i) A general license to practice dentistry;

27 (ii) A limited license to practice dentistry;

28 (iii) A teacher’s license to practice dentistry;

1 (iv) A retired volunteer dentist's license to practice dentistry;
2 [or]

3 (v) A volunteer dentist's license to practice dentistry; OR

4 (VI) A TEMPORARY VOLUNTEER DENTIST'S LICENSE TO
5 PRACTICE DENTISTRY.

6 (k) "Practice dental hygiene" means to:

7 (1) Perform a preliminary dental examination;

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

10 (3) Polish a tooth or a restoration;

11 (4) Chart cavities, restorations, missing teeth, periodontal conditions,
12 and other features observed during preliminary examination, prophylaxis, or
13 polishing;

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

15 (6) Take a dental X ray;

16 (7) Perform a manual curettage in conjunction with scaling and root
17 planing;

18 (8) Administer local anesthesia in accordance with § 4-206.1 of this
19 title; or

20 (9) Perform any other intraoral function that the Board authorizes by
21 a rule or regulation adopted under § 4-206 of this title.

22 (l) "Practice dentistry" means to:

23 (1) Be a manager, a proprietor, or a conductor of or an operator in any
24 place in which a dental service or dental operation is performed intraorally;

25 (2) Perform or attempt to perform any intraoral dental service or
26 intraoral dental operation;

27 (3) Diagnose, treat, or attempt to diagnose or treat any disease, injury,
28 malocclusion, or malposition of a tooth, gum, or jaw, or structures associated with a
29 tooth, gum, or jaw if the service, operation, or procedure is included in the curricula of
30 an accredited dental school or in an approved dental residency program of an
31 accredited hospital or teaching institution;

1 (4) Perform or offer to perform dental laboratory work;

2 (5) Place or adjust a dental appliance in a human mouth; or

3 (6) Administer anesthesia for the purposes of dentistry and not as a
4 medical specialty.

5 (m) Except as provided in § [4-308(e)(2)] **4-308(F)(2)** of this title,
6 “supervision” means supervision of a dental hygienist by a dentist, where the dentist
7 may or may not be present when the dental hygienist performs the dental hygiene
8 procedures but is available on the premises.

9 **(N) “TEMPORARY DENTAL CLINIC PERMIT” MEANS, UNLESS THE**
10 **CONTEXT REQUIRES OTHERWISE, A TEMPORARY PERMIT ISSUED BY THE BOARD**
11 **TO A BONA FIDE CHARITABLE ORGANIZATION TO PROVIDE DENTAL SERVICES TO**
12 **THE POOR, ELDERLY, OR DISABLED AT A DENTAL CLINIC.**

13 **[(n)] (O)** “Third party” means any person who collects premiums, assumes
14 financial risks, pays claims, or provides administrative services relating to any:

15 (1) Insurance policy;

16 (2) Insurance contract;

17 (3) Health prepayment contract;

18 (4) Health care plan; or

19 (5) Nonprofit health service plan contract.

20 4-304.

21 (a) To apply for a license, an applicant shall:

22 (1) Submit an application to the Board on the form that the Board
23 requires; and

24 (2) Pay to the Board an application fee set by the Board.

25 (b) In addition to the other requirements of this section, an applicant for a
26 limited license to practice dentistry shall submit to the Board a written request, from
27 the hospital, sanatorium, dental school, or public health program to which the practice
28 is to be limited, that the license be issued.

1 (c) To apply for a retired volunteer dentist's license [or], a volunteer
2 dentist's license, **OR A TEMPORARY VOLUNTEER DENTIST'S LICENSE** to practice
3 dentistry, an applicant:

4 (1) Shall submit an application to the Board on the form that the
5 Board requires; and

6 (2) May not be required to pay an application fee.

7 (d) (1) At least 30 days before the examination, an applicant for a general
8 license to practice dental hygiene shall submit the application to the Board.

9 (2) In addition to the other requirements of this section, an applicant
10 for a license to practice dental hygiene shall submit to the Board:

11 (i) Satisfactory evidence of graduation from a dental hygiene
12 program accredited by the American Dental Association Commission on Dental
13 Accreditation; and

14 (ii) Any other credentials that the Board requires.

15 (e) To apply for a retired volunteer dental hygienist's license [or], a
16 volunteer dental hygienist's license, **OR A TEMPORARY VOLUNTEER DENTAL**
17 **HYGIENIST'S LICENSE** to practice dental hygiene, an applicant:

18 (1) Shall submit an application to the Board on the form that the
19 Board requires; and

20 (2) May not be required to pay an application fee.

21 **(F) TO APPLY FOR A TEMPORARY DENTAL CLINIC PERMIT, AN**
22 **APPLICANT:**

23 **(1) SHALL SUBMIT AN APPLICATION ON THE FORM THAT THE**
24 **BOARD REQUIRES; AND**

25 **(2) MAY NOT BE REQUIRED TO PAY AN APPLICATION FEE.**

26 4-306.

27 (a) (1) In this section the following words have the meanings indicated.

28 (2) "NERB" means the North East Regional Board of Dental
29 Examiners, Inc.

30 (3) "Passed a regional board" means an applicant earned a score of
31 75% in each discipline, clinical skill, procedure, or knowledge area that is tested on the

1 NERB examination using the internal weighting and scoring methods the NERB uses
2 to score the NERB's examination of dentistry or dental hygiene, respectively.

3 (4) "Regional board" means an examination offered by any of the
4 following dental examination organizations:

- 5 (i) The Central Regional Dental Testing Service;
- 6 (ii) The North East Regional Board of Dental Examiners, Inc.;
- 7 (iii) The Southern Regional Testing Agency, Inc.; and
- 8 (iv) The Western Regional Examining Board, Inc.

9 (b) (1) (i) A dentist licensed in any other state who has passed a
10 regional board shall be granted a license in this State if the applicant passes the
11 following examinations given by or designated by the Board:

12 1. A comprehensive examination on applied clinical
13 diagnosis and treatment planning; and

14 2. A law examination.

15 (ii) A dentist licensed in any other state who has not passed a
16 regional board shall be granted a license in this State if:

17 1. For the 5 preceding years the dentist has been
18 actively engaged in [practicing] **THE CLINICAL PRACTICE OF** dentistry **FOR AT**
19 **LEAST 850 HOURS ON AVERAGE PER YEAR**; and

20 2. The applicant passes the following examinations
21 given by or designated by the Board:

22 A. A comprehensive examination on applied clinical
23 diagnosis and treatment planning; and

24 B. A law examination.

25 (2) (i) A dental hygienist licensed in any other state who has
26 passed a regional board shall be granted a license in this State if the applicant passes
27 an examination given by the Board.

28 (ii) A dental hygienist licensed in any other state who has not
29 passed a regional board shall be granted a license in this State if:

1 1. For the 3 preceding years the dental hygienist has
2 been actively engaged in [practicing] **THE CLINICAL PRACTICE OF** dental hygiene
3 **FOR AT LEAST 150 HOURS ON AVERAGE PER YEAR;** and

4 2. The applicant passes an examination given by or
5 designated by the Board.

6 (c) (1) The Board may adopt regulations for the content and
7 administration of examinations and any other regulations necessary to provide for the
8 licensure of individuals who apply for a license to practice dentistry under subsection
9 (a) of this section.

10 (2) The Board may adopt regulations for the content and
11 administration of examinations and any other regulations necessary to provide for the
12 licensure of individuals who apply for a license to practice dental hygiene under
13 subsection (a) of this section.

14 (d) An applicant for a general license to practice dentistry under this section
15 shall:

16 (1) Pay the application fee required by § 4–304 of this subtitle; and

17 (2) Provide adequate evidence that the applicant:

18 (i) Meets the qualifications otherwise required by this title for a
19 general license to practice dentistry;

20 (ii) Holds a license to practice dentistry in another state which
21 was granted after the applicant, in that or any other state, passed a regional board, or
22 an examination other than a regional board that is similar to the examination for
23 which the applicant is seeking waiver;

24 (iii) Is not being investigated by a disciplinary authority of
25 another state, does not have charges pending against the applicant's license, and has
26 not been disciplined by a disciplinary or licensing authority of any other state or
27 country, or been convicted or disciplined by a court of any state or country for an act
28 that would be grounds for disciplinary action under § 4–315 of this subtitle; and

29 (iv) Has not previously failed an examination for licensure as a
30 dentist in this State.

31 (e) An applicant for a general license to practice dental hygiene under this
32 section shall:

33 (1) Pay the application fee required by § 4–304 of this subtitle; and

34 (2) Provide adequate evidence that the applicant:

1 (i) Meets the qualifications otherwise required by this title for a
2 general license to practice dental hygiene;

3 (ii) Holds a license to practice dental hygiene in another state
4 which was granted after the applicant, in that or any other state, passed a regional
5 board, or an examination other than a regional board that is similar to the
6 examination for which the applicant is seeking waiver;

7 (iii) Is not being investigated by a disciplinary authority of
8 another state, does not have charges pending against the applicant's license, and has
9 not been disciplined by a disciplinary or licensing authority of any other state or
10 country, or been convicted or disciplined by a court of any state or country for an act
11 that would be grounds for disciplinary action under § 4-315 of this subtitle; and

12 (iv) Has not previously failed an examination for licensure as a
13 dental hygienist in this State.

14 4-308.

15 (a) A general license to practice dentistry issued under this title authorizes
16 the licensee to practice dentistry while the license is effective.

17 (b) While it is effective, a limited license to practice dentistry issued under
18 this title authorizes the licensee to practice dentistry, including as an intern or a
19 resident:

20 (1) Only for the institution or public health program named on the
21 license; and

22 (2) Only on patients of the institution or public health program named
23 on the license.

24 (c) While it is effective, a retired volunteer dentist's license or a volunteer
25 dentist's license to practice dentistry issued under this title authorizes the licensee to
26 practice dentistry:

27 (1) Only in a dental office, dental clinic, ambulatory care facility, or
28 hospital;

29 (2) Only for an entity providing medical care to the poor, elderly, or
30 [handicapped] **DISABLED** that is operated by:

31 (i) The State or a local government;

32 (ii) A bona fide charitable organization; or

1 (iii) Any other entity authorized under regulations adopted by
2 the Board;

3 (3) If the dentist signs a written statement agreeing to donate at least
4 100 hours of dental services without compensation in a facility that satisfies the
5 requirements of items (1) and (2) of this subsection;

6 (4) If the dentist provides documentation as required by the Board
7 which evidences that the licensee is covered by malpractice insurance; and

8 (5) If the dentist does not otherwise practice dentistry for profit in
9 Maryland.

10 **(D) (1) WHILE IT IS EFFECTIVE, A TEMPORARY VOLUNTEER**
11 **DENTIST'S LICENSE ISSUED UNDER THIS TITLE AUTHORIZES THE LICENSEE TO**
12 **PRACTICE DENTISTRY:**

13 **(I) ONLY IN A TEMPORARY DENTAL CLINIC PROVIDING**
14 **MEDICAL CARE TO THE POOR, ELDERLY, OR DISABLED THAT IS OPERATED BY:**

15 **1. A BONA FIDE CHARITABLE ORGANIZATION;**

16 **2. THE STATE OR A LOCAL GOVERNMENT; OR**

17 **3. A LOCAL HEALTH DEPARTMENT;**

18 **(II) 1. IF THE DENTIST HOLDS A GENERAL LICENSE TO**
19 **PRACTICE DENTISTRY IN ANOTHER STATE THAT PERMITS CLINICAL PRACTICE**
20 **AND THE DENTIST IS NOT SUBJECT TO CLINICAL RESTRICTIONS; AND**

21 **2. THE DENTIST HAS PASSED:**

22 **A. THE NORTH EAST BOARD REGIONAL CLINICAL**
23 **EXAMINATION; OR**

24 **B. HAS SUBMITTED TO THE BOARD A NOTARIZED**
25 **AFFIDAVIT OR OTHER EVIDENCE SATISFACTORY TO THE BOARD INDICATING**
26 **THAT FOR THE 5 YEARS PRECEDING APPLICATION, THE APPLICANT HAS**
27 **ACTIVELY ENGAGED IN THE CLINICAL PRACTICE OF DENTISTRY FOR AT LEAST**
28 **850 HOURS ON AVERAGE PER YEAR;**

29 **(III) IF THE DENTIST HAS FULFILLED ANY REQUIREMENTS**
30 **OF THE BOARD RELATING TO KNOWLEDGE OF THE REGULATIONS ADOPTED BY**
31 **THE BOARD AND THE LAWS CONCERNING THE PRACTICE OF DENTISTRY IN THE**
32 **STATE;**

1 (IV) IF THE DENTIST PROVIDES A NOTARIZED AFFIDAVIT TO
2 THE BOARD AGREEING TO DONATE DENTAL SERVICES WITHOUT
3 COMPENSATION FOR A TEMPORARY DENTAL CLINIC THAT SATISFIES THE
4 REQUIREMENTS OF SUBSECTION (I) OF THIS SECTION;

5 (V) IF THE DENTIST OR THE TEMPORARY DENTAL CLINIC IN
6 WHICH THE DENTIST IS PROVIDING SERVICE PROVIDES DOCUMENTATION AS
7 REQUIRED BY THE BOARD THAT EVIDENCES THAT THE DENTIST IS COVERED BY
8 MALPRACTICE INSURANCE;

9 (VI) IF THE DENTIST DOES NOT OTHERWISE PRACTICE
10 DENTISTRY FOR PROFIT IN THE STATE; AND

11 (VII) IF THE DENTIST PROVIDES VERIFICATION OF CURRENT
12 CARDIOPULMONARY RESUSCITATION CERTIFICATION.

13 (2) A DENTIST WHO HOLDS A TEMPORARY VOLUNTEER DENTIST'S
14 LICENSE MAY NOT ADMINISTER, MAINTAIN, OR MONITOR GENERAL ANESTHESIA
15 OR SEDATION.

16 (3) A DENTIST WHO HOLDS A TEMPORARY VOLUNTEER DENTIST'S
17 LICENSE MAY ONLY PROVIDE SERVICES AUTHORIZED UNDER THE MARYLAND
18 DENTISTRY ACT AND THE REGULATIONS ADOPTED BY THE BOARD.

19 (4) A DENTIST WHO HOLDS A TEMPORARY VOLUNTEER DENTIST'S
20 LICENSE OR THE TEMPORARY DENTAL CLINIC IN WHICH THE DENTIST IS
21 PROVIDING SERVICES SHALL PROVIDE A FORM TO A PATIENT AT THE
22 CONCLUSION OF TREATMENT THAT CONTAINS:

23 (I) A SUMMARY OF THE SERVICES THAT WERE PROVIDED
24 TO THE PATIENT BY THE DENTIST AND, IF APPLICABLE, THE DENTAL
25 HYGIENIST; AND

26 (II) INSTRUCTIONS FOR ANY RECOMMENDED FOLLOW-UP
27 DENTAL CARE.

28 (5) THE BOARD MAY DENY A TEMPORARY VOLUNTEER DENTIST'S
29 LICENSE ON THE GROUNDS PROVIDED UNDER § 4-315 OF THIS SUBTITLE.

30 (6) (I) A TEMPORARY VOLUNTEER DENTIST'S LICENSE ISSUED
31 TO A DENTIST UNDER THIS TITLE SHALL BE ISSUED FOR THE DURATION OF THE
32 TEMPORARY DENTAL CLINIC ONLY AND MAY NOT BE RENEWED.

1 **(II) THE BOARD MAY ISSUE ANOTHER TEMPORARY**
2 **VOLUNTEER DENTIST'S LICENSE IF THE DENTIST APPLIES FOR THE LICENSE**
3 **AND SATISFIES THE REQUIREMENTS OF THIS SUBSECTION.**

4 **(7) THE BOARD MAY NOT REQUIRE CONTINUING EDUCATION AS A**
5 **CONDITION FOR THE ISSUANCE OF A TEMPORARY VOLUNTEER DENTIST'S**
6 **LICENSE.**

7 **[(d)] (E)** While it is effective, a teacher's license to practice dentistry issued
8 under this title authorizes the licensee to practice dentistry at only the following
9 institutions:

10 (1) The institution named on the license; and

11 (2) Other affiliated institutions as appropriate because of the
12 specialized nature of the services to be performed.

13 **[(e)] (F)** (1) Except as provided in subsection **[(h)] (K)** of this section,
14 while it is effective, a general license to practice dental hygiene issued under this title
15 authorizes the licensee to practice dental hygiene:

16 (i) Under the supervision of a licensed dentist who is:

17 1. On the premises and available for personal
18 consultation while the services are being performed; or

19 2. Not on the premises while authorized dental hygiene
20 services are provided when the requirements of subsection **[(i)] (L)** of this section have
21 been fully satisfied; and

22 (ii) Only in a:

23 1. Dental office;

24 2. Dental clinic;

25 3. Hospital;

26 4. School;

27 5. Charitable institution; or

28 6. Health maintenance organization certified by the
29 State Insurance Commissioner.

30 (2) (i) The Board may waive, on a case by case basis only, the
31 supervision requirements of this subsection for:

- 1 1. A dental facility owned and operated by the federal,
2 the State, or a local government;
- 3 2. A health facility licensed by the Department of Health
4 and Mental Hygiene;
- 5 3. A facility providing medical care to the poor, elderly,
6 or handicapped that is owned and operated by:
- 7 A. The State or a local government; or
- 8 B. A bona fide charitable organization; or
- 9 4. Any other setting authorized under regulations
10 adopted by the Board.
- 11 (ii) A waiver is not required to practice dental hygiene under
12 general supervision in accordance with subsection [(h)] (K) of this section.
- 13 (3) The Board may grant a waiver under paragraph (2) of this
14 subsection if:
- 15 (i) The facility requesting the waiver has submitted a written
16 application;
- 17 (ii) The facility requesting the waiver has submitted a medical
18 emergency plan of action at the time of application; and
- 19 (iii) The Board finds that:
- 20 1. Good cause exists to justify the granting of the waiver;
- 21 2. Adequate facilities and equipment, including portable
22 equipment where appropriate and appropriate armamentarium, are available for the
23 appropriate delivery of dental hygiene services; and
- 24 3. Adequate safeguards are present to protect the
25 patient's health and safety.
- 26 (4) (i) The Board, upon written request or its own motion, may
27 conduct a public informational meeting on any waiver application.
- 28 (ii) The Board shall maintain records of all waiver applications
29 and the criteria and basis for its action on each application.

1 (iii) The Board shall have the power to inspect or review any
2 facility, location, person, or entity applying for, covered by, or acting under a waiver.

3 (5) (i) Except as provided under subparagraph (ii) of this
4 paragraph, the Board shall accept or deny a waiver under paragraph (2) of this
5 subsection within 60 calendar days of the receipt of the application for the waiver or it
6 shall be deemed to have been accepted.

7 (ii) If extraordinary circumstances exist, the Board shall accept
8 or deny a waiver under paragraph (2) of this subsection within 90 calendar days of the
9 receipt of the application for the waiver or it shall be deemed to have been accepted.

10 (6) Any changes in the procedures or personnel of a facility with a
11 waiver granted under this subsection shall be reported to the Board within 15
12 business days after the change.

13 **[(f)] (G)** While it is effective, a retired volunteer dental hygienist's license
14 or a volunteer hygienist's license to practice dental hygiene issued under this title
15 authorizes the licensee to practice dental hygiene:

16 (1) Only in a dental office, dental clinic, ambulatory care facility, or
17 hospital;

18 (2) Only for an entity providing medical care to the poor, elderly, or
19 handicapped that is operated by:

20 (i) The State or a local government;

21 (ii) A bona fide charitable organization; or

22 (iii) Any other entity authorized under regulations adopted by
23 the Board;

24 (3) If the dental hygienist signs a written statement agreeing to
25 donate at least 100 hours of dental hygiene services without compensation in a facility
26 that satisfies the requirements of items (1) and (2) of this subsection;

27 (4) If the dental hygienist provides documentation as required by the
28 Board which evidences that the licensee is covered by malpractice insurance; and

29 (5) If the dental hygienist does not otherwise practice dental hygiene
30 for profit in Maryland.

31 **(H) (1) WHILE IT IS EFFECTIVE, A TEMPORARY VOLUNTEER DENTAL**
32 **HYGIENIST'S LICENSE ISSUED UNDER THIS TITLE AUTHORIZES THE LICENSEE**
33 **TO PRACTICE DENTAL HYGIENE:**

1 **(I) ONLY IN A TEMPORARY DENTAL CLINIC PROVIDING**
2 **MEDICAL CARE TO THE POOR, ELDERLY, OR DISABLED THAT IS OPERATED BY:**

3 **1. A BONA FIDE CHARITABLE ORGANIZATION;**

4 **2. THE STATE OR A LOCAL GOVERNMENT; OR**

5 **3. A LOCAL HEALTH DEPARTMENT;**

6 **(II) IF THE DENTAL HYGIENIST HOLDS A GENERAL LICENSE**
7 **TO PRACTICE DENTAL HYGIENE IN ANOTHER STATE THAT PERMITS CLINICAL**
8 **PRACTICE AND THE DENTAL HYGIENIST IS NOT SUBJECT TO CLINICAL**
9 **RESTRICTIONS;**

10 **(III) IN ADDITION TO HOLDING A GENERAL LICENSE TO**
11 **PRACTICE DENTAL HYGIENE, IF THE DENTAL HYGIENIST:**

12 **1. PROVIDES DOCUMENTATION AS REQUIRED BY**
13 **THE BOARD THAT EVIDENCES THAT THE DENTAL HYGIENIST PASSED THE**
14 **NORTH EAST REGIONAL CLINICAL EXAMINATION; OR**

15 **2. SUBMITS TO THE BOARD A NOTARIZED AFFIDAVIT**
16 **OR OTHER EVIDENCE SATISFACTORY TO THE BOARD INDICATING THAT FOR THE**
17 **3 YEARS PRECEDING APPLICATION, THE DENTAL HYGIENIST HAS ACTIVELY**
18 **ENGAGED IN THE CLINICAL PRACTICE OF DENTAL HYGIENE FOR AT LEAST 150**
19 **HOURS PER YEAR ON AVERAGE;**

20 **(IV) IF THE DENTAL HYGIENIST HAS FULFILLED ANY**
21 **REQUIREMENTS OF THE BOARD RELATED TO KNOWLEDGE OF THE LAWS AND**
22 **REGULATIONS GOVERNING THE PRACTICE OF DENTAL HYGIENE IN THE STATE;**

23 **(V) IF THE DENTAL HYGIENIST PROVIDES A NOTARIZED**
24 **AFFIDAVIT TO THE BOARD AGREEING TO DONATE DENTAL HYGIENE SERVICES**
25 **WITHOUT COMPENSATION FOR A TEMPORARY DENTAL CLINIC THAT SATISFIES**
26 **THE REQUIREMENTS OF SUBSECTION (I) OF THIS SECTION;**

27 **(VI) IF THE DENTAL HYGIENIST PROVIDES DOCUMENTATION**
28 **AS REQUIRED BY THE BOARD EVIDENCING THAT THE DENTAL HYGIENIST IS**
29 **COVERED BY MALPRACTICE INSURANCE;**

30 **(VII) IF THE DENTAL HYGIENIST DOES NOT OTHERWISE**
31 **PRACTICE DENTAL HYGIENE FOR PROFIT IN THE STATE; AND**

1 (VIII) IF THE DENTAL HYGIENIST PROVIDES VERIFICATION OF
2 CURRENT CARDIOPULMONARY RESUSCITATION CERTIFICATION.

3 (2) A DENTAL HYGIENIST WHO HOLDS A TEMPORARY VOLUNTEER
4 DENTAL HYGIENIST'S LICENSE MAY ONLY PROVIDE SERVICES AUTHORIZED
5 UNDER THE MARYLAND DENTISTRY ACT AND THE REGULATIONS ADOPTED BY
6 THE BOARD.

7 (3) A DENTAL HYGIENIST WHO HOLDS A TEMPORARY VOLUNTEER
8 DENTAL HYGIENIST'S LICENSE MAY NOT:

9 (I) ADMINISTER LOCAL ANESTHESIA; OR

10 (II) ADMINISTER, MAINTAIN, OR MONITOR NITROUS OXIDE
11 OXYGEN.

12 (4) WHILE IT IS EFFECTIVE, A TEMPORARY VOLUNTEER DENTAL
13 HYGIENIST'S LICENSE ISSUED UNDER THIS TITLE AUTHORIZES THE LICENSEE
14 TO PRACTICE DENTAL HYGIENE UNDER THE GENERAL SUPERVISION OF A
15 DENTIST WHO:

16 (I) IS ON THE PREMISES;

17 (II) EXAMINES THE PATIENT AT ANY TIME DURING THE
18 TREATMENT; AND

19 (III) IS AVAILABLE FOR PERSONAL CONSULTATION WHILE
20 THE SERVICES ARE BEING PERFORMED.

21 (5) A DENTAL HYGIENIST MAY PERFORM AN ASSESSMENT OF
22 DENTAL NEEDS AND PROVIDE DENTAL HYGIENE SERVICES PRIOR TO AN
23 EXAMINATION BY A SUPERVISING DENTIST.

24 (6) THE BOARD MAY DENY A TEMPORARY VOLUNTEER LICENSE
25 TO PRACTICE DENTAL HYGIENE ON THE GROUNDS PROVIDED UNDER § 4-315 OF
26 THIS SUBTITLE.

27 (7) (I) A TEMPORARY VOLUNTEER DENTAL HYGIENIST'S
28 LICENSE ISSUED TO A DENTAL HYGIENIST UNDER THIS SECTION SHALL BE
29 ISSUED FOR THE DURATION OF THE TEMPORARY DENTAL CLINIC ONLY AND MAY
30 NOT BE RENEWED.

1 **(II) THE BOARD MAY ISSUE ANOTHER TEMPORARY**
2 **VOLUNTEER DENTAL HYGIENIST’S LICENSE IF THE DENTAL HYGIENIST APPLIES**
3 **FOR THE LICENSE AND SATISFIES THE REQUIREMENTS OF THIS SUBSECTION.**

4 **(8) THE BOARD MAY NOT REQUIRE CONTINUING EDUCATION AS A**
5 **CONDITION FOR THE ISSUANCE OF A TEMPORARY VOLUNTEER DENTAL**
6 **HYGIENIST’S LICENSE.**

7 **(I) (1) WHILE IT IS EFFECTIVE, A TEMPORARY DENTAL CLINIC**
8 **PERMIT ISSUED TO A BONA FIDE CHARITABLE ORGANIZATION UNDER THIS**
9 **TITLE AUTHORIZES THE PERMIT HOLDER TO UTILIZE HOLDERS OF A**
10 **TEMPORARY VOLUNTEER DENTIST LICENSE OR A TEMPORARY VOLUNTEER**
11 **DENTAL HYGIENIST LICENSE TO PROVIDE DENTAL SERVICES TO THE POOR,**
12 **ELDERLY, OR DISABLED AT A TEMPORARY DENTAL CLINIC THAT IS OPERATED**
13 **BY THE BONA FIDE CHARITABLE ORGANIZATION.**

14 **(2) THE BOARD SHALL ISSUE A TEMPORARY DENTAL CLINIC**
15 **PERMIT TO A BONA FIDE CHARITABLE ORGANIZATION THAT MEETS THE**
16 **REQUIREMENTS OF THIS SUBSECTION.**

17 **(3) (I) A TEMPORARY DENTAL CLINIC PERMIT ISSUED TO A**
18 **BONA FIDE CHARITABLE ORGANIZATION UNDER THIS TITLE SHALL BE ISSUED**
19 **FOR THE DURATION OF THE DENTAL CLINIC ONLY AND MAY NOT BE RENEWED.**

20 **(II) THE BOARD MAY ISSUE ANOTHER TEMPORARY DENTAL**
21 **CLINIC PERMIT TO A BONA FIDE CHARITABLE ORGANIZATION IF THE BONA FIDE**
22 **CHARITABLE ORGANIZATION APPLIES FOR THE PERMIT AND SATISFIES THE**
23 **REQUIREMENTS OF THIS SUBSECTION.**

24 **(4) A BONA FIDE CHARITABLE ORGANIZATION THAT CONDUCTS A**
25 **TEMPORARY DENTAL CLINIC UNDER THIS TITLE MAY NOT BE CONSTRUED TO BE**
26 **PRACTICING DENTISTRY AS DEFINED IN § 4-101 OF THIS TITLE.**

27 **(5) (I) THE STATE, A LOCAL GOVERNMENT, OR A LOCAL**
28 **HEALTH DEPARTMENT THAT PROVIDES DENTAL SERVICES TO THE POOR,**
29 **ELDERLY, OR DISABLED:**

30 **1. MAY NOT BE REQUIRED BY THE BOARD TO SEEK**
31 **AUTHORIZATION UNDER THIS TITLE TO PROVIDE THE SERVICES; AND**

32 **2. SHALL PROVIDE WRITTEN NOTICE TO THE BOARD**
33 **OF ITS INTENTION TO PROVIDE DENTAL SERVICES TO THE POOR, ELDERLY, OR**
34 **DISABLED AT LEAST 60 DAYS PRIOR TO THE DATE THE SERVICES ARE TO BE**
35 **PROVIDED.**

1 **(II) A HOLDER OF AN OUT-OF-STATE LICENSE TO PRACTICE**
2 **DENTISTRY OR DENTAL HYGIENE WHO WOULD LIKE TO PROVIDE DENTAL**
3 **SERVICES SPONSORED BY THE STATE, A LOCAL GOVERNMENT, OR A LOCAL**
4 **HEALTH DEPARTMENT SHALL OBTAIN A TEMPORARY VOLUNTEER DENTIST'S**
5 **LICENSE OR TEMPORARY VOLUNTEER DENTAL HYGIENIST'S LICENSE AS**
6 **PROVIDED IN THIS TITLE BEFORE PROVIDING THE DENTAL SERVICES.**

7 **(6) A HOLDER OF A TEMPORARY DENTAL CLINIC PERMIT SHALL**
8 **HAVE:**

9 **(I) A MEDICAL EMERGENCY PLAN;**

10 **(II) ADEQUATE EQUIPMENT, INCLUDING PORTABLE**
11 **EQUIPMENT WHERE APPROPRIATE, AND APPROPRIATE ARMAMENTARIUM**
12 **AVAILABLE FOR THE APPROPRIATE DELIVERY OF DENTAL SERVICES; AND**

13 **(III) ADEQUATE SAFEGUARDS TO PROTECT THE HEALTH AND**
14 **SAFETY OF PATIENTS.**

15 **(7) THE BOARD MAY:**

16 **(I) ENTER AND INSPECT A TEMPORARY DENTAL CLINIC TO**
17 **CARRY OUT A DUTY UNDER THIS TITLE; AND**

18 **(II) CONDUCT AN INVESTIGATION OF A TEMPORARY**
19 **DENTAL CLINIC OR A HOLDER OF A TEMPORARY VOLUNTEER DENTIST'S**
20 **LICENSE OR A TEMPORARY VOLUNTEER DENTAL HYGIENIST'S LICENSE**
21 **PROVIDING DENTAL SERVICES AT THE TEMPORARY DENTAL CLINIC.**

22 **[(g)] (J)** While it is effective, a teacher's license to practice dental hygiene
23 issued under this title authorizes the licensee to:

24 (1) Teach dental hygiene only at the institution named on the license;
25 and

26 (2) Practice dental hygiene under the general supervision of a licensed
27 dentist with the institution named on the license.

28 **[(h)] (K)** (1) (i) In this subsection the following words have the
29 meanings indicated.

30 (ii) "Contractual employee" means a dental hygienist who has
31 an annual contract to practice dental hygiene an average of at least 8 hours per week
32 in a facility specified under paragraph (3)(i) of this subsection.

1 (iii) “Facility” includes a program operated within a facility that
2 is specified under paragraph (3)(i) of this subsection.

3 (iv) “Federally qualified health center” has the meaning stated
4 in 42 U.S.C. § 254b(a).

5 (v) “Federally qualified health center look-alike” has the
6 meaning stated in 42 U.S.C. § 1396d(l)(2)(B).

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

10 (2) (i) While effective, a general license to practice dental hygiene
11 issued under this title authorizes the licensee to practice dental hygiene and apply
12 sealants or fluoride agents such as professional topical fluoride treatments, mouth
13 rinse, or varnish:

14 1. Under general supervision in accordance with this
15 subsection; and

16 2. In a facility specified under paragraph (3)(i) of this
17 subsection that complies with the requirements of this subsection.

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

19 1. Authorize a dental hygienist to practice dental
20 hygiene 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. Require a waiver under subsection [(e)] (F) of this
24 section.

25 (3) (i) While it is effective, a general license to practice dental
26 hygiene issued under this title authorizes the licensee to practice dental hygiene under
27 general supervision in:

28 1. A dental facility owned and operated by the federal,
29 the State, or a local government;

30 2. A public health department or public school of the
31 State or a county;

1 3. Has at least 2 years of active clinical practice in direct
2 patient care; and

3 4. Is a permanent or contractual employee of the federal
4 government, a state or local government, or a federally qualified health center;

5 (iii) The facility has:

6 1. A medical emergency plan;

7 2. Adequate equipment, including portable equipment
8 where appropriate and appropriate armamentarium, available for the appropriate
9 delivery of dental hygiene services; and

10 3. Adequate safeguards to protect the patient's health
11 and safety;

12 (iv) A recall patient who has been examined by a dental
13 hygienist practicing under the general supervision of a licensed dentist will be
14 scheduled for an oral examination every 6 months, or as otherwise recommended by
15 the supervising dentist;

16 (v) A dental hygienist practicing under the general supervision
17 of a licensed dentist ascertains before treating a recall patient that there has been no
18 change in the patient's medical history;

19 (vi) A dental hygienist consults with the supervising dentist, the
20 patient's dentist, or a treating physician before proceeding with treatment if there is a
21 change in the patient's medical history;

22 (vii) Adequate facilities and equipment are available for the
23 delivery of dental hygiene services other than fluoride rinse programs; and

24 (viii) Reports to the Board any changes in the status of the
25 facility's general supervision, any supervising dentist, or any dental hygienist within
26 30 days after the change.

27 **[(i)] (L)** (1) In this subsection, "private dental office" means a dental
28 office owned and operated by:

29 (i) A licensed dentist; or

30 (ii) A professional corporation, partnership, limited liability
31 company, or limited liability partnership owned and controlled by a licensed dentist.

1 (2) While it is effective, a general license to practice dental hygiene
2 issued under this title authorizes the licensee to practice dental hygiene under the
3 general supervision of a licensed dentist in a private dental office.

4 (3) A private dental office in which a dental hygienist is authorized to
5 practice under the general supervision of a licensed dentist shall ensure that:

6 (i) The supervising dentist holds an active license to practice
7 dentistry in this State;

8 (ii) The dental hygienist holds an active license to practice
9 dental hygiene in this State;

10 (iii) The dental hygienist has at least 1,500 hours of dental
11 hygiene clinical practice in direct patient care; and

12 (iv) There is a written agreement between the supervising
13 dentist and the dental hygienist practicing under general supervision that clearly sets
14 forth the terms and conditions under which the dental hygienist may practice,
15 including a statement that the dental hygienist may provide dental hygiene services
16 without the supervising dentist on the premises.

17 (4) A dental hygienist may perform authorized dental hygiene services
18 without the supervising dentist on the premises only if:

19 (i) After the supervising dentist examines and evaluates a
20 patient, the prescribed and authorized treatment to be provided by the dental
21 hygienist is written in the patient's records;

22 (ii) 1. Treatments authorized by a supervising dentist to be
23 provided by the dental hygienist are rendered no later than 7 months from the date
24 the patient was examined and evaluated by the supervising dentist; and

25 2. Upon expiration of a prescription or prescribed
26 treatment, the supervising dentist examines and reevaluates the patient before
27 writing a new prescription and authorization for treatment;

28 (iii) Prior to an appointment, the patient or the custodial parent
29 or legal guardian of a minor or incompetent adult shall:

30 1. Be informed that a dental hygienist will be providing
31 services previously prescribed by a dentist who will not be on the premises during the
32 appointment; and

33 2. Consent to receiving the dental hygiene services;

34 (iv) Written emergency procedures are in place and the dental
35 hygienist is trained to implement the emergency procedures;

1 (v) A designated licensed dentist is available for consultation
2 with the dental hygienist; and

3 (vi) The number of unsupervised clinical hours worked by a
4 supervised dental hygienist in any given 3-month period is less than 60 percent of the
5 dental hygienist's total hours worked during that 3-month period.

6 (5) A supervising dentist may not employ more than two dental
7 hygienists to work under the dentist's general supervision at any given time.

8 **[(j)] (M)** (1) (i) In this subsection the following words have the
9 meanings indicated.

10 (ii) "Assisted living program" has the meaning stated in §
11 19-1801 of the Health – General Article.

12 (iii) "General supervision" means supervision of a dental
13 hygienist by a dentist, where the dentist may or may not be present when the dental
14 hygienist performs the dental hygiene procedures.

15 (iv) "Long-term care facility" means:

- 16 1. A nursing home; or
17 2. An assisted living program.

18 (v) "Nursing home" has the meaning stated in §
19 19-1401 of the Health – General Article.

20 (2) (i) While it is effective, a general license to practice dental
21 hygiene issued under this title authorizes the licensee to practice dental hygiene under
22 the general supervision of a licensed dentist in a long-term care facility in accordance
23 with this subsection.

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

- 25 1. Authorize a dental hygienist to practice dental
26 hygiene independent of a supervising dentist;
- 27 2. Prohibit a dentist from being available for personal
28 consultation or on the premises where a dental hygienist is practicing;
- 29 3. Prohibit a dental hygienist, without the supervision of
30 a dentist, from performing a preliminary dental examination with subsequent referral
31 to a dentist; or

1 4. Require a waiver under subsection [(e)] (F) of this
2 section.

3 (3) Before a dental hygienist is authorized to practice dental hygiene
4 under general supervision in a long-term care facility in accordance with this
5 subsection, the dental hygienist shall:

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

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

10 (iii) Have at least 2 years of active clinical practice in direct
11 patient care; and

12 (iv) Ensure that the long-term care facility where the dental
13 hygienist will practice under general supervision has:

14 1. A written medical emergency plan in place;

15 2. Adequate equipment, including portable equipment
16 and appropriate armamentarium, available for the appropriate delivery of dental
17 hygiene services; and

18 3. Adequate safeguards to protect the patient's health
19 and safety.

20 (4) Before a dental hygienist is authorized to practice dental hygiene
21 under general supervision in a long-term care facility in accordance with this
22 subsection, the supervising dentist shall:

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

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

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

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

32 (i) Have a written agreement between the supervising dentist
33 and the dental hygienist that clearly sets forth the terms and conditions under which

1 the dental hygienist may practice, including a statement that the dental hygienist
2 may provide dental hygiene services without the supervising dentist on the premises;

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

5 1. In person;

6 2. By telephone; or

7 3. Electronically;

8 (iii) Consult with the supervising dentist or a treating physician
9 before proceeding with initial treatment if there is a change in a recall patient's
10 medical history;

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

14 (v) Limit dental hygiene tasks and procedures to:

15 1. Toothbrush prophylaxis;

16 2. Application of fluoride;

17 3. Dental hygiene instruction;

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

20 5. Other duties as may be delegated, verbally or in
21 writing, by the supervising dentist; and

22 (vi) Submit findings of the initial assessment to the supervising
23 dentist for a determination of future treatment.

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

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

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

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2011.