

# Chapter 271

(Senate Bill 664)

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; ~~altering the authority of the Board to adopt certain rules and regulations concerning the administration of certain anesthesia by certain dental hygienists;~~ 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; 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.**