

Chapter 220

(House Bill 172)

AN ACT concerning

Health Occupations – Dental Hygienists – Local Anesthesia

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

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 4–101(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

BY adding to
Article – Health Occupations
Section 4–206.3
Annotated Code of Maryland
(2009 Replacement Volume and 2011 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.

- (a) In this title the following words have the meanings indicated.
- (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 **OR** § **4–206.3** of this title;
 - (9) Monitor, in accordance with § 4–206.2 of this title, a patient to whom nitrous oxide is administered; or
 - (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 monitor a patient to whom nitrous oxide is being administered, subject to § 4–206.2 of this subtitle; and
2. Monitoring by a dental hygienist, in accordance with § 4–206.2 of this subtitle, of a patient to whom nitrous oxide is being administered;

(X) REASONABLE REQUIREMENTS FOR THE EDUCATION, TRAINING, EVALUATION, AND EXAMINATION OF A DENTAL HYGIENIST BEFORE A

DENTAL HYGIENIST MAY ADMINISTER LOCAL ANESTHESIA BY INFERIOR ALVEOLAR NERVE BLOCK UNDER § 4-206.3 OF THIS SUBTITLE;

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

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

4-206.3.

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

(1) IS PHYSICALLY PRESENT ON THE PREMISES; AND

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

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

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

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

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

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

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

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

Approved by the Governor, May 2, 2012.