

# HOUSE BILL 100

J2, J3

4lr0697

(PRE-FILED)

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By: **Delegate Kipke**

Requested: October 22, 2013

Introduced and read first time: January 8, 2014

Assigned to: Health and Government Operations

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Committee Report: Favorable

House action: Adopted

Read second time: February 19, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Dental Hygienists – Practice in Long-Term Care Facilities – Repeal of**  
3 **Termination Date**

4 FOR the purpose of repealing the termination date of certain provisions of law relating  
5 to the authority of a dental hygienist to practice dental hygiene under general  
6 supervision in a long-term care facility; and generally relating to the practice of  
7 dental hygiene.

8 BY repealing and reenacting, without amendments,  
9 Article – Health Occupations  
10 Section 4–308(m)  
11 Annotated Code of Maryland  
12 (2009 Replacement Volume and 2013 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Chapter 733 of the Acts of the General Assembly of 2010  
15 Section 3

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 4–308.

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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.



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 §  
4 19–1801 of the Health – General Article.

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

8 (iv) “Long–term care facility” means:

- 9 1. A nursing home; or  
10 2. An assisted living program.

11 (v) “Nursing home” has the meaning stated in § 19–1401 of the  
12 Health – General Article.

13 (2) (i) While it is effective, a general license to practice dental  
14 hygiene issued under this title authorizes the licensee to practice dental hygiene under  
15 the general supervision of a licensed dentist in a long–term care facility in accordance  
16 with this subsection.

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

- 18 1. Authorize a dental hygienist to practice dental  
19 hygiene independent of a supervising dentist;
- 20 2. Prohibit a dentist from being available for personal  
21 consultation or on the premises where a dental hygienist is practicing;
- 22 3. Prohibit a dental hygienist, without the supervision of  
23 a dentist, from performing a preliminary dental examination with subsequent referral  
24 to a dentist; or
- 25 4. Require a waiver under subsection (f) of this section.

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

29 (i) Hold an active license to practice dental hygiene in the  
30 State;

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

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

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

7 1. A written medical emergency plan in place;

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

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

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

16 (i) Hold an active general license to practice dentistry in the  
17 State;

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

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

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

25 (i) Have a written agreement between the supervising dentist  
26 and the dental hygienist that clearly sets forth the terms and conditions under which  
27 the dental hygienist may practice, including a statement that the dental hygienist  
28 may provide dental hygiene services without the supervising dentist on the premises;

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

31 1. In person;

32 2. By telephone; or



1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   June 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.