HOUSE BILL 100

J2, J3

(PRE-FILED)

4lr0697

By: Delegate Kipke

Requested: October 22, 2013 Introduced and read first time: January 8, 2014 Assigned to: Health and Government Operations

Committee Report: Favorable House action: Adopted Read second time: February 19, 2014

CHAPTER _____

1 AN ACT concerning

Dental Hygienists – Practice in Long–Term Care Facilities – Repeal of Termination Date

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

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Article – Health Occupations

19 4–308.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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In this subsection the following words have the meanings 1 (1)(i) (m) $\mathbf{2}$ indicated. "Assisted living program" has the meaning stated in § 3 (ii) 19–1801 of the Health – General Article. 4 "General supervision" means supervision of a dental $\mathbf{5}$ (iiii) hygienist by a dentist, where the dentist may or may not be present when the dental 6 7 hygienist performs the dental hygiene procedures. "Long-term care facility" means: 8 (iv) 9 1. A nursing home; or An assisted living program. 10 2. 11 "Nursing home" has the meaning stated in § 19–1401 of the (v) 12Health – General Article. 13While it is effective, a general license to practice dental (2)(i) 14hygiene issued under this title authorizes the licensee to practice dental hygiene under the general supervision of a licensed dentist in a long-term care facility in accordance 15with this subsection. 16 17This subsection may not be construed to: (ii) 18 1. Authorize a dental hygienist to practice dental hygiene independent of a supervising dentist; 19202. Prohibit a dentist from being available for personal 21consultation or on the premises where a dental hygienist is practicing; 22Prohibit a dental hygienist, without the supervision of 3. 23a dentist, from performing a preliminary dental examination with subsequent referral 24to a dentist; or 254. Require a waiver under subsection (f) of this section. 26Before a dental hygienist is authorized to practice dental hygiene (3)27under general supervision in a long-term care facility in accordance with this 28subsection, the dental hygienist shall: 29(i) Hold an active license to practice dental hygiene in the 30 State:

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1 (ii) Hold a current certificate evidencing health provider level C $\mathbf{2}$ proficiency, or its equivalent, in cardiopulmonary resuscitation; 3 (iii) Have at least 2 years of active clinical practice in direct 4 patient care; and $\mathbf{5}$ (iv) Ensure that the long-term care facility where the dental 6 hygienist will practice under general supervision has: 7 A written medical emergency plan in place; 1. Adequate equipment, including portable equipment 8 2.9 and appropriate armamentarium, available for the appropriate delivery of dental hygiene services; and 10 11 3. Adequate safeguards to protect the patient's health 12and safety. 13(4) Before a dental hygienist is authorized to practice dental hygiene under general supervision in a long-term care facility in accordance with this 14subsection, the supervising dentist shall: 1516 (i) Hold an active general license to practice dentistry in the 17State: 18 Hold a current certificate evidencing health provider level C (ii) proficiency, or its equivalent, in cardiopulmonary resuscitation; and 19 20(iii) Have at least 2 years of active clinical practice in direct 21patient care. 22A dental hygienist practicing under the general supervision of a (5)licensed dentist in a long-term care facility and performing an authorized dental 2324hygiene service for a patient's initial appointment shall: 25(i) Have a written agreement between the supervising dentist and the dental hygienist that clearly sets forth the terms and conditions under which 2627the dental hygienist may practice, including a statement that the dental hygienist 28may provide dental hygiene services without the supervising dentist on the premises; 29Ensure that the supervising dentist is available for (ii) 30 consultation with the dental hygienist: 31 1. In person; 2.By telephone; or 32

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1	3. Electronically;
$2 \\ 3 \\ 4$	(iii) Consult with the supervising dentist or a treating physician before proceeding with initial treatment if there is a change in a recall patient's medical history;
5 6 7	(iv) Assess the appropriate recall interval based on the individual needs of the patient, or as otherwise recommended by the supervising dentist;
8	(v) Limit dental hygiene tasks and procedures to:
9	1. Toothbrush prophylaxis;
10	2. Application of fluoride;
11	3. Dental hygiene instruction;
$\begin{array}{c} 12\\ 13\end{array}$	4. Assessment of the patient's apparent need for further evaluation by a dentist in order to diagnose the presence of dental disease; and
$\begin{array}{c} 14 \\ 15 \end{array}$	5. Other duties as may be delegated, verbally or in writing, by the supervising dentist; and
$\begin{array}{c} 16 \\ 17 \end{array}$	(vi) Submit findings of the initial assessment to the supervising dentist for a determination of future treatment.
18 19	(6) A dental hygienist may perform subsequent authorized dental hygiene services without the supervising dentist on the premises only if:
20 21 22	(i) The supervising dentist examines the patient and authorizes in the patient's record a prescription of specific treatment to be provided by the dental hygienist;
$\begin{array}{c} 23\\ 24\\ 25 \end{array}$	(ii) An authorized treatment is provided by the dental hygienist as soon as possible, but no later than 7 months from the date the patient was examined by the supervising dentist; and
$\frac{26}{27}$	(iii) Upon expiration of a prescribed treatment, the supervising dentist is responsible for determining future protocols for the treatment of the patient.
28	Chapter 733 of the Acts of 2010
29 30 31 32	SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010. [It shall remain effective for a period of 4 years and, at the end of June 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.