

Chapter 399

(House Bill 738)

AN ACT concerning

**Dental Hygienist – Scope of Practice – ~~Authority to Practice~~ Practice Settings
Under General Supervision of ~~Licensed Dentist~~**

FOR the purpose of altering a certain provision of law to provide that a general license to practice dental hygiene authorizes the licensee to practice dental hygiene under the general supervision of a licensed dentist in certain facilities, rather than only in a long-term care facility; altering the requirements, including the time period of active clinical experience, that a dental hygienist is required to meet before being authorized to practice dental hygiene under the general supervision of a licensed dentist in certain facilities; altering the requirements that must be met by a dental hygienist who is practicing under the general supervision of a licensed dentist in certain facilities and performing a certain dental hygiene service; making conforming changes; defining ~~a certain term~~ certain terms; repealing a certain definition; and generally relating to the authority of dental hygienists to practice under the general supervision of licensed dentists.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4-308(m)
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

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

Article – Health Occupations

4-308.

(m) (1) (i) In this subsection the following words have the meanings indicated.

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

(III) “FACILITY” MEANS:

- 1. A NURSING HOME;**
- 2. AN ASSISTED LIVING PROGRAM;**

3. MEDICAL OFFICES; OR

4. A GROUP HOME OR ADULT DAY CARE CENTER; OR,

~~5. A FACILITY THAT IS OPERATED BY:~~

~~A. A FEDERAL, STATE, OR MUNICIPAL GOVERNMENT AGENCY; OR~~

~~B. A BONA FIDE CHARITABLE ORGANIZATION.~~

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

[(iv)] “Long-term care facility” means:

1. A nursing home; or
2. An assisted living program.]

(v) “GROUP HOME OR ADULT DAY CARE CENTER” MEANS A GROUP HOME OR ADULT DAY CARE CENTER WHERE THE PATIENT’S MEDICAL RECORDS ARE MADE AVAILABLE TO THE DENTIST AND THE DENTAL HYGIENIST AND THAT OBTAINS THE CONSENT OF THE PATIENT OR THE PATIENT’S GUARDIAN FOR DENTAL HYGIENE SERVICES TO BE PROVIDED UNDER THIS SUBSECTION.

(VI) “MEDICAL OFFICE” MEANS AN OFFICE OF A LICENSED PHYSICIAN WHO PROVIDES PRENATAL OR PRIMARY MEDICAL CARE AND IN WHICH THE PHYSICIAN, SUPERVISING DENTIST, AND DENTAL HYGIENIST COMMUNICATE IN PROVIDING DENTAL HYGIENE SERVICES TO A PATIENT.

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

(2) (i) While it is effective, a general license to practice dental hygiene 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 with this subsection.

(ii) This subsection may not be construed to:

1. Authorize a dental hygienist to practice dental hygiene independent of a supervising dentist;

2. Prohibit a dentist from being available for personal consultation or on the premises where a dental hygienist is practicing;

3. Prohibit a dental hygienist, without the supervision of a dentist, from performing a preliminary dental examination with subsequent referral to a dentist; or

4. Require a waiver under subsection (f) of this section.

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

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

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

(iii) Have at least ~~2 years~~ **3,000 HOURS** of active clinical practice in direct patient care; and

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

1. A written medical emergency plan in place;

2. ~~[Adequate]~~ ~~**UNLESS THE DENTAL HYGIENIST IS PROVIDING THE EQUIPMENT, ADEQUATE**~~ equipment, including portable equipment and appropriate armamentarium, available for the appropriate delivery of dental hygiene services, **UNLESS THE DENTAL HYGIENIST PROVIDES THE EQUIPMENT DESCRIBED;** and

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

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

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

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

(iii) Have at least ~~2 years~~ **3,000 HOURS** of active clinical practice in direct patient care; **AND**

(IV) HAVE A WRITTEN AGREEMENT BETWEEN THE SUPERVISING DENTIST AND THE DENTAL HYGIENIST THAT:

1. CLEARLY SETS FORTH THE TERMS AND CONDITIONS UNDER WHICH THE DENTAL HYGIENIST MAY PRACTICE, INCLUDING A STATEMENT THAT THE DENTAL HYGIENIST MAY PROVIDE DENTAL HYGIENE SERVICES WITHOUT THE SUPERVISING DENTIST ON THE PREMISES UNLESS THIS TITLE REQUIRES THAT A LICENSED DENTIST BE ON THE PREMISES IN ORDER FOR THE SERVICE TO BE PERFORMED BY THE DENTAL HYGIENIST;

2. INDICATES THE POPULATION TO BE SERVED;

3. STATES THE METHOD BY WHICH THE SERVICES ARE TO BE PROVIDED AND THE PROCEDURES TO BE USED BY THE SUPERVISING DENTIST TO OVERSEE AND DIRECT THE DENTAL HYGIENIST; AND

4. STATES THE NAMES AND LICENSE NUMBERS OF THE DENTIST AND DENTAL HYGIENIST PERFORMING SERVICES UNDER THE WRITTEN AGREEMENT.

(5) A dental hygienist practicing under the general supervision of a licensed dentist in a [long-term care] facility ~~IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBTITLE~~ and performing an authorized dental hygiene service for a patient's [initial] appointment shall:

~~(I) ASSESS WITH THE SUPERVISING DENTIST THE APPROPRIATE RECALL INTERVAL BASED ON THE NEEDS OF THE PATIENT;~~

~~(II) LIMIT SERVICES TO THE PREVENTIVE SERVICES AUTHORIZED UNDER THE CURRENT SCOPE OF PRACTICE OF A LICENSED DENTAL HYGIENIST THAT DO NOT REQUIRE A LICENSED DENTIST TO BE ON THE PREMISES WHEN THE SERVICES ARE PERFORMED;~~

~~(III) REPORT PATIENT CLINICAL FINDINGS TO THE SUPERVISING DENTIST AND, WITH THE SUPERVISING DENTIST, DETERMINE WHETHER THE PATIENT SHOULD BE REFERRED FOR A FOLLOW-UP EXAMINATION OR CARE BY THE SUPERVISING DENTIST;~~

~~[(i)] (IV)~~ Have a written agreement between the supervising dentist and the dental hygienist that ~~[clearly];~~

~~1. CLEARLY sets forth the terms and conditions under which the dental hygienist may practice, including a statement that the dental hygienist may provide dental hygiene services without the supervising dentist on the premises UNLESS THIS TITLE REQUIRES THAT A LICENSED DENTIST BE ON THE PREMISES IN ORDER FOR THE SERVICE TO BE PERFORMED BY THE DENTAL HYGIENIST;~~

~~2. INDICATES THE POPULATION TO BE SERVED;~~

~~3. STATES THE METHOD BY WHICH THE SERVICES ARE TO BE PROVIDED AND THE PROCEDURES TO BE USED BY THE SUPERVISING DENTIST TO OVERSEE AND DIRECT THE DENTAL HYGIENIST; AND~~

~~4. STATES THE NAMES AND LICENSE NUMBERS OF THE DENTIST AND DENTAL HYGIENIST PERFORMING SERVICES UNDER THE WRITTEN AGREEMENT;~~

~~[(ii)] (V) (I)~~ Ensure that, WHILE THE DENTAL HYGIENIST IS PERFORMING THE SERVICE, the supervising dentist is available for consultation with the dental hygienist:

- 1. In person;
- 2. By telephone; or
- 3. Electronically;

~~[(iii)] (II)~~ Consult with the supervising dentist or a treating physician before proceeding with initial treatment if there is a change in OR CONCERNS ABOUT a ~~recall~~ patient's medical history;}

~~(VI) ENSURE THAT THE SUPERVISING DENTIST IS AVAILABLE ON A REGULARLY SCHEDULED BASIS TO:~~

~~1. PROVIDE CONSULTATION TO THE DENTAL HYGIENIST; AND~~

~~2. REVIEW PATIENT RECORDS OF THE DENTAL HYGIENIST;~~

[(iv)] ~~(vii)~~ **(iii)** Assess the appropriate recall interval based on the individual needs of the patient, or as otherwise recommended by the supervising dentist; ~~AND~~

~~(v)~~ **(iv)** Limit dental hygiene tasks and procedures **PROVIDED DURING THE INITIAL APPOINTMENT** to:

1. Toothbrush prophylaxis;
2. Application of fluoride;
3. Dental hygiene instruction;
- 4. FULL MOUTH DEBRIDEMENT;**

~~4. 5. Assessment of~~ **ASSESSING** the patient's apparent need for further evaluation by a dentist in order to diagnose the presence of dental disease; and

~~5. 6.~~ Other duties as may be delegated, verbally or in writing, by the supervising dentist; and~~]~~

[(vi)] ~~(viii)~~ **(v)** Submit findings of ~~[the]~~ ~~AN~~ initial assessment to the supervising dentist for a **COLLABORATIVE** determination of future treatment **BASED ON THE PATIENT'S OVERALL HEALTH STATUS.**

(6) A dental hygienist may perform subsequent authorized dental hygiene services **FOLLOWING THE INITIAL APPOINTMENT** without the supervising dentist on the premises only if:

(i) The supervising dentist **[examines]:**

1. EXAMINES the [patient and authorizes] **PATIENT AND THE PATIENT'S CHARTS AND OTHER DENTAL RECORDS ~~AFTER INITIAL TREATMENT BY THE DENTAL HYGIENIST;~~**

2. AUTHORIZES in the patient's record **THE SCOPE OF** a prescription of specific treatment to be provided by the dental hygienist; **AND**

3. EXAMINES THE PATIENT AT LEAST ONCE EVERY ~~2 YEARS~~ 12 MONTHS, OR MORE FREQUENTLY AS DETERMINED BY THE DENTIST ~~AND DENTAL HYGIENIST;~~

(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]

PATIENT AND THE PATIENT'S CHARTS AND OTHER DENTAL RECORDS WERE REVIEWED by the supervising dentist; and

(iii) [Upon expiration] ON COMPLETION of [a] THE TREATMENT prescribed ~~treatment,~~ FOLLOWING THE INITIAL APPOINTMENT, the supervising dentist [is responsible for determining] ~~AND DETERMINES, IN CONSULTATION WITH THE DENTAL HYGIENIST JOINTLY DETERMINE,~~ future protocols for the treatment of the patient.

(7) WHILE PERFORMING DENTAL HYGIENE SERVICES FOR A PATIENT UNDER PARAGRAPH (6)(III) OF THIS SUBSECTION, A DENTAL HYGIENIST SHALL:

(I) ASSESS WITH THE SUPERVISING DENTIST THE APPROPRIATE RECALL INTERVAL BASED ON THE NEEDS OF THE PATIENT;

(II) LIMIT SERVICES TO THE PREVENTIVE SERVICES AUTHORIZED UNDER THE CURRENT SCOPE OF PRACTICE OF A LICENSED DENTAL HYGIENIST EXCEPT FOR THOSE SERVICES FOR WHICH THE PRESENCE OF A LICENSED DENTIST ON THE PREMISES IS REQUIRED UNDER THIS TITLE; AND

(III) REPORT PATIENT CLINICAL FINDINGS TO THE SUPERVISING DENTIST AND, WITH THE SUPERVISING DENTIST, DETERMINE WHETHER THE PATIENT SHOULD BE REFERRED FOR A FOLLOW-UP EXAMINATION OR CARE BY THE SUPERVISING DENTIST.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, May 13, 2019.