

HOUSE BILL 749

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By: Delegates Kipke, Bagnall, Cullison, Kelly, ~~and Krebs~~ Krebs, Barron, Bhandari, Carr, Charles, Chisholm, Hill, Johnson, Kerr, R. Lewis, Morgan, Pena-Melnyk, Pendergrass, Reilly, Rosenberg, Sample-Hughes, Szeliga, and K. Young

Introduced and read first time: January 31, 2020

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2020

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Dental Hygienists – Authority to Prescribe and**
3 **Administer Medication**

4 FOR the purpose of authorizing a dental hygienist who complies with certain provisions of
5 this Act to prescribe certain medications; prohibiting a dental hygienist from
6 prescribing certain drugs; prohibiting a dental hygienist from administering certain
7 medications; authorizing a dental hygienist who complies with certain provisions of
8 this Act to administer medication under a certain standing order and if the dental
9 hygienist includes certain information in a certain manner in the patient's record;
10 requiring a dental hygienist prescribing or administering medication as authorized
11 under certain provisions of this Act to prescribe or administer the medication under
12 certain supervision and in compliance with certain regulations and provisions of law;
13 requiring a dental hygienist to complete certain educational requirements before
14 prescribing or administering medication as authorized under certain provisions of
15 this Act; authorizing the State Board of Dental Examiners to adopt certain
16 regulations; establishing that the Maryland Pharmacy Act does not prohibit a dental
17 hygienist from administering medications under certain provisions of this Act;
18 altering a certain definition; making a conforming change; and generally relating to
19 dental hygienists and the authority to prescribe and administer medication.

20 BY adding to
21 Article – Health Occupations

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 Section 4–205(a)(1)(xi) and 4–206.4
2 Annotated Code of Maryland
3 (2014 Replacement Volume and 2019 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Health Occupations
6 Section 4–205(a)(1)(xi) and (xii), 12–101(b), and 12–102(e)
7 Annotated Code of Maryland
8 (2014 Replacement Volume and 2019 Supplement)

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

11 **Article – Health Occupations**

12 4–205.

13 (a) In addition to the powers set forth elsewhere in this title, the Board may:

14 (1) Adopt regulations governing:

15 **(XI) REASONABLE REQUIREMENTS FOR:**

16 **1. THE EDUCATION, TRAINING, EVALUATION, AND**
17 **EXAMINATION OF A DENTAL HYGIENIST BEFORE A DENTAL HYGIENIST MAY**
18 **PRESCRIBE OR ADMINISTER MEDICATION UNDER § 4–206.4 OF THIS SUBTITLE; AND**

19 **2. PRESCRIBING OR ADMINISTERING MEDICATION BY A**
20 **DENTAL HYGIENIST UNDER § 4–206.4 OF THIS SUBTITLE;**

21 ~~[(xi)]~~ **(XII)** The discipline of a holder of any facility or administration
22 permit for the administration of general anesthesia or sedation; and

23 ~~[(xii)]~~ **(XIII)** The release of patient dental records;

24 **4–206.4.**

25 **(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
26 **DENTAL HYGIENIST WHO COMPLIES WITH SUBSECTIONS ~~(C) AND (D)~~ (E) AND (F) OF**
27 **THIS SECTION MAY PRESCRIBE:**

28 **(I) TOPICAL AND SYSTEMIC TYPES OF PRESCRIPTION OR**
29 **OVER-THE-COUNTER FLUORIDE PREPARATIONS;**

30 **(II) TOPICAL ANTIMICROBIAL ORAL RINSES; AND**

1 (III) IBUPROFEN NOT EXCEEDING 600 MG EVERY 6 HOURS FOR
2 UP TO 3 DAYS AFTER NONSURGICAL PERIODONTAL THERAPY.

3 (2) A DENTAL HYGIENIST MAY NOT PRESCRIBE A DRUG:

4 (I) THAT IS CLASSIFIED AS A CONTROLLED DANGEROUS
5 SUBSTANCE UNDER TITLE 5, SUBTITLE 4 OF THE CRIMINAL LAW ARTICLE OR A
6 CONTROLLED SUBSTANCE AS DEFINED BY 21 U.S.C. § 812; OR

7 (II) THE PRESCRIPTION OF WHICH REQUIRES A FEDERAL DRUG
8 ENFORCEMENT AGENCY REGISTRATION.

9 (B) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
10 DENTAL HYGIENIST WHO COMPLIES WITH SUBSECTIONS ~~(C) AND (D)~~ (E) AND (F) OF
11 THIS SECTION MAY ADMINISTER MEDICATION, INCLUDING:

12 (1) A MEDICATION LISTED UNDER SUBSECTION (A)(1) OF THIS
13 SECTION;

14 (2) PREMEDICATION ANTIBIOTICS BY MOUTH AS REQUIRED FOR
15 DENTAL TREATMENT;

16 (3) SUBGINGIVAL ANTIBIOTICS AND ANTIMICROBIALS; AND

17 (4) NONOPIOID PAIN MEDICATION.

18 (C) A DENTAL HYGIENIST MAY NOT ADMINISTER A MEDICATION:

19 (1) THAT IS CLASSIFIED AS A CONTROLLED DANGEROUS SUBSTANCE
20 UNDER TITLE 5, SUBTITLE 4 OF THE CRIMINAL LAW ARTICLE OR A CONTROLLED
21 SUBSTANCE AS DEFINED BY 21 U.S.C. § 812;

22 (2) THE PRESCRIPTION OF WHICH REQUIRES A FEDERAL DRUG
23 ENFORCEMENT AGENCY REGISTRATION; OR

24 (3) EXCEPT FOR LOCAL ANESTHESIA ADMINISTERED IN
25 ACCORDANCE WITH § 4-206.1 OR § 4-206.3 OF THIS SUBTITLE, THAT IS
26 ADMINISTERED BY INTRAMUSCULAR, SUBCUTANEOUS, INTRAVENOUS, OR
27 INTRADERMAL INJECTION.

28 (D) A DENTAL HYGIENIST MAY ADMINISTER A MEDICATION UNDER
29 SUBSECTION (B) OF THIS SECTION:

1 **(1) UNDER A STANDING ORDER IN THE PATIENT'S RECORD THAT IS**
 2 **AUTHORIZED BY A SUPERVISING DENTIST; AND**

3 **(2) IF THE DENTAL HYGIENIST INCLUDES THE FOLLOWING**
 4 **INFORMATION IN WRITING IN THE PATIENT'S RECORD:**

5 **(I) THE NAME OF THE MEDICATION;**

6 **(II) THE DATE AND TIME THE MEDICATION WAS ADMINISTERED;**

7 **(III) THE ROUTE BY WHICH THE MEDICATION WAS**
 8 **ADMINISTERED; AND**

9 **(IV) THE DOSAGE OF THE MEDICATION THAT WAS**
 10 **ADMINISTERED.**

11 ~~(C)~~ **(E) A DENTAL HYGIENIST PRESCRIBING OR ADMINISTERING**
 12 **MEDICATION AS AUTHORIZED UNDER THIS SECTION SHALL PRESCRIBE OR**
 13 **ADMINISTER MEDICATION:**

14 **(1) UNDER THE GENERAL SUPERVISION OF A LICENSED DENTIST;**

15 **(2) IN COMPLIANCE WITH APPLICABLE REGULATIONS ADOPTED BY**
 16 **THE BOARD; AND**

17 **(3) IN COMPLIANCE WITH APPLICABLE PROVISIONS OF TITLE 12 OF**
 18 **THIS ARTICLE AND TITLE 21 OF THE HEALTH – GENERAL ARTICLE REGARDING**
 19 **PRESCRIPTION PACKAGING, LABELING, AND RECORD KEEPING.**

20 ~~(D)~~ **(F) BEFORE PRESCRIBING OR ADMINISTERING MEDICATION AS**
 21 **AUTHORIZED UNDER THIS SECTION, A DENTAL HYGIENIST SHALL COMPLETE ANY**
 22 **EDUCATIONAL REQUIREMENTS ESTABLISHED BY THE BOARD UNDER §**
 23 **4-205(A)(1)(XI) OF THIS SUBTITLE THROUGH AN ACCREDITED DENTAL HYGIENE**
 24 **PROGRAM.**

25 12-101.

26 (b) "Authorized prescriber" means any licensed dentist, **LICENSED DENTAL**
 27 **HYGIENIST WITH PRESCRIPTIVE AUTHORITY UNDER § 4-206.4 OF THIS ARTICLE,**
 28 licensed physician, licensed podiatrist, licensed veterinarian, advanced practice nurse with
 29 prescriptive authority under § 8-508 of this article, or other individual authorized by law
 30 to prescribe prescription or nonprescription drugs or devices.

31 12-102.

1 (e) (1) This title does not prohibit [a]:

2 (I) A dentist, physician, or podiatrist from administering a
3 prescription drug or device in the course of treating a patient; OR

4 (II) A LICENSED DENTAL HYGIENIST FROM ADMINISTERING
5 MEDICATION UNDER § 4-206.4 OF THIS ARTICLE.

6 (2) For the purposes of paragraph [(1)] (1)(I) of this subsection,
7 “administering” means the direct introduction of a single dosage of a drug or device at a
8 given time, whether by injection or other means, and whether in liquid, tablet, capsule, or
9 other form.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.