

Chapter 677

(House Bill 219)

AN ACT concerning

Dental Hygienists – Consultation Requirements – Health Care Practitioners

FOR the purpose of altering the types of health care practitioners with whom a dental hygienist must consult before providing certain treatment to a dental patient to include a patient’s registered nurse practitioner, certified nurse midwife, or licensed certified midwife; requiring that certain consultations by a dental hygienist be made if there is a change in the patient’s medical condition; and generally relating to dental hygienists and the provision of dental services.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–308(k)(4)(vi) and (m)(1) and (5)
Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – Health Occupations

4–308.

(k) (4) A facility in which a dental hygienist is authorized to practice under the general supervision of a licensed dentist in accordance with this subsection shall ensure that:

(vi) A dental hygienist consults with the supervising dentist, OR the patient’s dentist, ~~REGISTERED NURSE PRACTITIONER, CERTIFIED NURSE MIDWIFE, OR LICENSED CERTIFIED MIDWIFE, or a~~ AND THE treating physician, REGISTERED NURSE PRACTITIONER, CERTIFIED NURSE MIDWIFE, OR LICENSED CERTIFIED MIDWIFE before proceeding with treatment if there is a change in the patient’s medical ~~history~~ CONDITION;

(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) “CLINICAL OFFICE” MEANS AN OFFICE OF A LICENSED PHYSICIAN, REGISTERED NURSE PRACTITIONER, CERTIFIED NURSE MIDWIFE, OR LICENSED CERTIFIED MIDWIFE WHO PROVIDES PRENATAL, POSTPARTUM, OR PRIMARY CARE AND IN WHICH THE SUPERVISING DENTIST AND DENTAL HYGIENIST COMMUNICATE WITH THE LICENSED PHYSICIAN, CERTIFIED REGISTERED NURSE PRACTITIONER, CERTIFIED NURSE MIDWIFE, OR LICENSED CERTIFIED MIDWIFE IN PROVIDING DENTAL HYGIENE SERVICES TO A PATIENT.

[(iii)] (IV) “Facility” means:

1. A nursing home;
2. An assisted living program;
3. **[Medical] CLINICAL** offices; or
4. A group home or adult day care center.

[(iv)] (V) “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.

[(v)] (VI) “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.

(5) A dental hygienist practicing under the general supervision of a licensed dentist in a facility and performing an authorized dental hygiene service for a patient’s initial appointment shall:

(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;

(ii) Consult with the supervising dentist ~~or a~~ AND THE treating physician ~~OR THE PATIENT'S~~, REGISTERED NURSE PRACTITIONER, CERTIFIED NURSE MIDWIFE, OR LICENSED CERTIFIED MIDWIFE before proceeding with ~~initial~~ treatment if there is a change in or concerns about a patient's medical ~~history~~ CONDITION;

(iii) Assess the appropriate recall interval based on the needs of the patient, or as otherwise recommended by the supervising dentist;

(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;
5. Assessing the patient's apparent need for further evaluation by a dentist in order to diagnose the presence of dental disease; and
6. Other duties as may be delegated, verbally or in writing, by the supervising dentist; and

(v) Submit findings of the initial assessment to the supervising dentist for a collaborative determination of future treatment based on the patient's overall health status.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.