



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

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**Maryland State Board of Dental Examiners**

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**2020 SESSION**

**POSITION PAPER**

**BILL NO:** HB 749

**COMMITTEE:** Health and Government Operations

**POSITION:** Support with Amendments

**TITLE:** Health Occupations – Dental Hygienists Authority to Prescribe and Administer Medication

**BILL ANALYSIS:** The bill allows dental hygienists to prescribe certain medications after successfully completing education, training, and evaluation requirements established by the State Dental Board in regulations. After meeting those requirements, a dental hygienist may prescribe topical and systemic types of prescription or over-the-counter fluoride preparations, topical antimicrobial oral rinses, and ibuprofen not exceeding 600mg every 6 hours for up to 3 days after nonsurgical periodontal therapy. A dental hygienist may not prescribe a drug that is classified as a controlled dangerous substance, or a prescription that requires a Federal Drug Enforcement Agency registration.

In addition, the bill allows dental hygienists to **administer any medication** to a patient under the general supervision of a dentist, meaning that the dentist may be out of the office, if the order to do so is under a standing order in the patient’s record that is authorized by a supervising dentist.

**POSITION AND RATIONALE:** The Dental Board supports HB 749 with amendments. At present the bill allows a dental hygienist to administer any drug to a patient while a dentist is out of the office. Again, under general supervision, a dentist may be either in or out of the office. Under the present law, if a dental hygienist administers either local anesthesia by infiltration, local anesthesia by inferior alveolar nerve block, or if the dental hygienist administers nitrous oxide, to facilitate either a dental hygiene purpose, or dental purpose, a dentist must order the administration and the dentist must be “[P]hysically present on the premises.” These procedures require a dentist to be on the premises because each may result in complications. Under the bill, a dentist is not required to be on the premises and patient safety is placed at risk. (Note that if passed, the bill would be in direct conflict with the Annotated Code of Maryland, Health Occupations Article, §§ 4-206.1,

4-206.2, and 4-206.3).

For example, in private dental offices, if certain conditions are met, a dental hygienist is permitted to perform a prophylaxis and preliminary dental examination under general supervision, while the dentist is out of the office. Under the bill, a dental hygienist may administer any drug to a patient before or during a prophylaxis. This includes any class of narcotic or controlled dangerous substance. A dental hygienist may even administer any class of anesthesia by intravenous means. Before a dentist may administer anesthesia, he or she must first obtain a permit from the Board which entails completion of comprehensive educational requirements, and successful on-site testing, including emergency procedures to resuscitate patients when necessary. All of the precautions are waived for dental hygienists by a dentist simply entering a “standing order” in the patient’s chart. It goes without saying that this would create a potentially dangerous situation. In order to correct this issue, the proposed amendment would allow a dental hygienist to administer the same drugs to a patient that the bill would allow a dental hygienist to prescribe to a patient.

AMENDMENT NO.1

On page 3, in line 4, after “MEDICATION” and before the colon insert “**IDENTIFIED IN SUBSECTION (C) OF THIS SECTION**”

On page 3, after line 14, insert “(C) A DENTAL HYGIENIST MAY ADMINISTER:

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

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

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

Existing (C) and (D) should be renumbered as appropriate.

{END OF PROPOSED AMENDMENT}

*The opinion of the Maryland State Board of Dental Examiners expressed in this support with amendments position does not necessarily reflect that of the Department of Health or the Administration.*

I hope that this information is useful. If you would like to discuss this further, please contact Dr. James Goldsmith, Board President at 301-367-2352, [jgoldsm217@comcast.net](mailto:jgoldsm217@comcast.net), or Dr. Arpana Verma, the Board’s Legislative Committee Chair at 240-498-8159, [asverma93@gmail.com](mailto:asverma93@gmail.com). In addition, the Board’s Executive Director, Mr. Frank McLaughlin, may be reached at 443-878-5253, [frank.mclaughlin@maryland.gov](mailto:frank.mclaughlin@maryland.gov).