



Maryland State Dental Association’s Testimony in Support with Amendments of HB 1143 – Dental Services- Dental Hygienists in Schools and School-Based Health Centers and the Maryland Collaborative to Improve Children’s Health Through School-Based Programs
Submitted by Daniel T. Doherty, Jr. on Behalf of the Maryland State Dental Association

- A. Delegate Bagnall has indicated that she will offer amendments to delete the provisions of HB 1143 that amend §4-308 from page 2 line 27 through page 3 line 17. This will limit the scope of HB 1143 to a collaborative study to develop recommendations to improve school-based dental programs. The MSDA supports HB 1143 with those amendments.
- B. If the bill were not amended in that manner, the MSDA would be in support of HB 1143 if the following amendment was adopted:

Amendment: On page 3 in line 14 strike “LICENSED” and following “DENTIST” insert the following: **“WHO HAS A VALID GENERAL LICENSE TO PRACTICE DENTISTRY”**

On page 3 strike following “IF” in line 15 through line 17, and insert the following:

“(1) THE SUPERVISING DENTIST:

(I) HOLDS AN ACTIVE GENERAL LICENSE TO PRACTICE DENTISTRY IN THE STATE;

(II) HOLDS A CURRENT CERTIFICATE EVIDENCING HEALTH PROVIDER LEVEL C PROFICIENCY, OR ITS EQUIVALENT, IN CARDIOPULMONARY RESUSCITATION;

(III) HAS AT LEAST 2 YEARS OF ACTIVE CLINICAL PRACTICE IN DIRECT PATIENT CARE;

“(2) THE DENTAL HYGIENIST AUTHORIZED TO PRACTICE UNDER THE GENERAL SUPERVISION OF A LICENSED DENTIST:

(I) HOLDS AN ACTIVE GENERAL LICENSE TO PRACTICE DENTAL HYGIENE IN THE STATE;

(II) HOLDS A CURRENT CERTIFICATE EVIDENCING HEALTH PROVIDER LEVEL C PROFICIENCY, OR ITS EQUIVALENT, IN CARDIOPULMONARY RESUSCITATION;

(III) HAS AT LEAST 2 YEARS OF ACTIVE CLINICAL PRACTICE IN DIRECT PATIENT CARE;

Rationale: This language is current law under §4-308(h)(3) [Section 4-308 is the section amended by HB 1143]. Subsection (h) allows a dental hygienist to practice under general supervision in a dental facility owned and operated by the federal, State, or a local government or a public health department of the State or a county. That subsection requires that a dentist and a dental hygienist have an active Maryland general License, are currently certified in CPR and have at least 2 years of clinical practice. These are reasonable requirements to be applied to the new §4-308(n).

“(3) THE SUPERVISING DENTIST AND THE DENTAL HYGIENIST SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE SCHOOL, SCHOOL-BASED HEALTH CENTER OR THE BOARD OF EDUCATION IN WHICH THE SCHOOL OR THE SCHOOL-BASED HEALTH CENTER IS LOCATED;

Rationale: In researching this issue, the MSDA President, who has practiced since 2009 at Chesapeake Health Care on the Lower Eastern Shore, explained to me that when Chesapeake Health Care provides dental services as prescribed under the bill, they must have an agreement (often a Memorandum of Understanding), usually with the Board of Education, however this may be different for private schools.

“(4) THE SCHOOL OR SCHOOL-BASED HEALTH CENTER IS TO REPORT TO THE BOARD:

(I) THAT IT IS OPERATING UNDER GENERAL SUPERVISION; AND

(II) THE IDENTITY OF EACH SUPERVISING DENTIST AND DENTAL HYGIENIST;

Rationale: The Board requires that every licensee shall inform the Board of the location in which they are practicing. Since multiple dentists may be providing general supervision and multiple dental hygienists may be providing dental services, informational report of all the dental practitioners involved needs to be provided to the Board. Further, as a facility in which dental health services are provided, the school or school-based health center are the most logical entities to report this information to the Board.

“(5) THIS SUBSECTION MAY NOT BE CONSTRUED TO:

(I) AUTHORIZE A DENTAL HYGIENIST TO PRACTICE DENTAL HYGIENE INDEPENDENT OF A SUPERVISING DENTIST;

(II) PROHIBIT A SUPERVISING DENTIST FROM BEING AVAILABLE FOR PERSONAL CONSULTATION, OR ON THE PREMISES WHERE THE SUPERVISED DENTAL HYGIENIST IS PRACTICING;

(III) ALLOW DENTAL HYGIENE SERVICES TO BE PROVIDED TO NON-STUDENTS AT THE SCHOOL OR SCHOOL-BASED HEALTHCENTER; OR

(IV) ALLOW A DENTAL HYGIENIST TO EXAMINE OR TREAT A

STUDENT WITHOUT THE STUDENT'S CUSTODIAL PARENT OR GUARDIAN'S CONSENT.

Rationale: (5)(I) Clarifies that this bill does not authorize dental hygienists to practice independent of a supervising dentist; (II) Provides that a supervising dentist is available for consultation, and that the dentist, in their capacity of a supervising dentist, may be on the premises where the dental hygienist provides dental hygiene services; (III) Provides that dental hygiene services may only be provided to students; and (IV) States, as an important prerequisite, that the custodial parent or guardian's consent is required before the dental hygienist may provide care to a student.

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