

CF 7r1196

By: Delegates Owings, Hubbard, and DeCarlo

Introduced and read first time: January 17, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - Dental Hygienists - Education**

3 FOR the purpose of altering the definition of "practice dental hygiene" to include certain
4 practices, techniques, or procedures that are included in certain dental hygiene
5 programs; requiring an applicant for a license to practice dental hygiene or
6 temporary license to practice dental hygiene to be a graduate of a dental hygiene
7 program that is accredited by a certain entity; requiring an applicant for a license to
8 practice dental hygiene, who fails a certain examination, to complete a certain
9 number of hours of additional education in a dental hygiene program that is
10 accredited by a certain entity; altering a provision of law to add an additional
11 ground for which, if violated, the State Board of Dental Examiners may deny,
12 suspend, or revoke certain licenses under certain circumstances; authorizing a
13 certain committee of the Board to maintain a certain action in its own name under
14 certain circumstances; and generally relating to altering certain provisions of law
15 regarding the practice of dental hygiene.

16 BY repealing and reenacting, with amendments,

17 Article - Health Occupations

18 Section 4-101(l), 4-301, 4-302(e), 4-304(c), 4-305(f), 4-312(a), 4-315(a)(29) and
19 (30), and 4-320

20 Annotated Code of Maryland

21 (1994 Replacement Volume and 1996 Supplement)

22 BY adding to

23 Article - Health Occupations

24 Section 4-315(a)(31)

25 Annotated Code of Maryland

26 (1994 Replacement Volume and 1996 Supplement)

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

29 **Article - Health Occupations**

30 4-101.

31 (l) "Practice dental hygiene" means to:

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- 1 (1) Perform a preliminary dental examination;
- 2 (2) Perform a complete prophylaxis, including the removal of any deposit,
3 accretion, or stain from the surface of a tooth or a restoration;
- 4 (3) Polish a tooth or a restoration;
- 5 (4) Chart cavities, restorations, missing teeth, periodontal conditions, and
6 other features observed during preliminary examination, prophylaxis, or polishing;
- 7 (5) Apply a medicinal agent to a tooth for a prophylactic purpose;
- 8 (6) Take a dental X ray; [or]
- 9 (7) ENGAGE IN ANY OF THE PRACTICES, TECHNIQUES, OR PROCEDURES
10 INCLUDED IN THE CURRICULA OF DENTAL HYGIENE PROGRAMS ACCREDITED BY
11 THE AMERICAN DENTAL ASSOCIATION COMMISSION ON DENTAL ACCREDITATION;
12 OR

13 [(7)] (8) Perform any other intraoral function that the Board authorizes by
14 a rule or regulation adopted under § 4-206 of this title.

15 4-301.

16 (a) (1) Except as otherwise provided in this title, an individual shall be licensed
17 by the Board to practice dentistry before the individual may practice dentistry on a human
18 being in this State.

19 (2) Except as otherwise provided in this title, an individual shall be licensed
20 by the Board to practice dental hygiene before the individual may practice dental hygiene
21 on a human being in this State.

22 (b) This section does not apply to:

23 (1) A student of dentistry while engaged in an educational program at an
24 approved school of dentistry;

25 (2) A dentist while performing official duties in a federal dental service;

26 (3) An individual licensed to practice dentistry in any other state or a
27 foreign country, while the individual:

28 (i) Makes a clinical demonstration before a dental society, dental
29 convention, association of dentists, or dental college; or

30 (ii) Performs professional duties on a specific case for which the
31 individual is called into this State; or

32 (4) A dental assistant, if the dental assistant:

33 (i) Subject to the rules and regulations adopted by the Board,
34 performs only procedures that do not require the professional skills of a licensed dentist
35 OR A LICENSED DENTAL HYGIENIST; and

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1 (ii) Performs intraoral tasks only under the direct supervision of a
2 licensed dentist who personally is present in the office area where the tasks are
3 performed.

4 4-302.

5 (e) To qualify for a license to practice dental hygiene, the applicant shall be a
6 graduate of a [school for dental hygienists] DENTAL HYGIENE PROGRAM that:

7 (1) Requires at least 2 years of [study; and] EDUCATION THAT CONSISTS
8 OF CREDITS THAT CAN BE TRANSFERRED INTO A 4-YEAR ACCREDITED COLLEGE OR
9 UNIVERSITY;

10 (2) IS ACCREDITED BY THE AMERICAN DENTAL ASSOCIATION
11 COMMISSION ON DENTAL ACCREDITATION; AND

12 [(2)] (3) Is approved by the Board.

13 4-304.

14 (c) (1) At least 30 days before the examination, an applicant for a general
15 license to practice dental hygiene shall submit the application to the Board.

16 (2) In addition to the other requirements of this section, an applicant for a
17 license to practice dental hygiene shall submit to the Board:

18 (i) Satisfactory evidence of graduation from [an approved school for
19 dental hygienists] A DENTAL HYGIENE PROGRAM ACCREDITED BY THE AMERICAN
20 DENTAL ASSOCIATION COMMISSION ON DENTAL ACCREDITATION; and

21 (ii) Any other credentials that the Board requires.

22 4-305.

23 (f) (1) An applicant who fails an examination twice shall complete 40 hours of
24 additional [training] EDUCATION in an accredited school of dentistry or A dental
25 hygiene PROGRAM ACCREDITED BY THE AMERICAN DENTAL ASSOCIATION
26 COMMISSION ON DENTAL ACCREDITATION, as appropriate, before the applicant may
27 retake the examination.

28 (2) An applicant who fails an examination 3 times shall retake and
29 successfully complete the senior year of training at an accredited school of dentistry or A
30 dental hygiene PROGRAM ACCREDITED BY THE AMERICAN DENTAL ASSOCIATION
31 COMMISSION ON DENTAL ACCREDITATION, as appropriate, before the applicant may
32 retake the examination.

33 (3) An applicant who fails an examination 4 times may not be reexamined.

34 4-312.

35 (a) Subject to the provisions of this section, the Board may issue a temporary
36 license to practice dental hygiene to an applicant who:

37 (1) Is licensed to practice dental hygiene in any other state or any province
38 of Canada;

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1 (2) HAS GRADUATED FROM A DENTAL HYGIENE PROGRAM
2 ACCREDITED BY THE AMERICAN DENTAL ASSOCIATION COMMISSION ON DENTAL
3 ACCREDITATION;

4 [(2)] (3) Meets any other qualifications that the Board establishes;

5 [(3)] (4) Submits to the Board an application on the form that the Board
6 requires; and

7 [(4)] (5) Pays to the Board an application fee set by the Board.

8 4-315.

9 (a) Subject to the hearing provisions of § 4-318 of this subtitle, the Board may
10 deny a general license to practice dentistry, a limited license to practice dentistry, or a
11 teacher's license to practice dentistry to any applicant, reprimand any licensed dentist,
12 place any licensed dentist on probation, or suspend or revoke the license of any licensed
13 dentist, if the applicant or licensee:

14 (29) Fails to display the notice required under § 4-313(d) of this title; [or]

15 (30) Fails to begin to fulfill a public service requirement within 1 year of
16 when the assignment is to begin that was a condition of the applicant or licensee receiving
17 State or federal loans or scholarships for the applicant's or licensee's dental education;
18 OR

19 (31) PERMITS A DENTAL ASSISTANT OR PERSON NOT LICENSED TO
20 PRACTICE DENTAL HYGIENE TO PERFORM ANY PORTION OF THE ORAL
21 PROPHYLAXIS, INCLUDING SCALING, ROOT PLANING, AND CORONAL POLISHING OF
22 TEETH WITH ROTARY INSTRUMENTS.

23 4-320.

24 (a) An action may be maintained in the name of this State [or], the Board, OR
25 THE DENTAL HYGIENE COMMITTEE OF THE BOARD to enjoin:

26 (1) Unauthorized practice of dentistry;

27 (2) Conduct that is a ground for disciplinary action under § 4-315(a) of this
28 subtitle;

29 (3) Conduct that violates any prohibition in Subtitle 4 of this title, which
30 relates to dental laboratory work; or

31 (4) Conduct that violates the practice limitations of § 4-603 of this title.

32 (b) An action under this section may be brought by:

33 (1) The Board, in its own name;

34 (2) THE DENTAL HYGIENE COMMITTEE OF THE BOARD, IN ITS OWN
35 NAME;

36 [(2)] (3) The Attorney General, in the name of this State; or

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1 [(3)] (4) A State's attorney, in the name of this State.

2 (c) An action under this section shall be brought in the county where the
3 defendant:

4 (1) Resides; or

5 (2) Engages in the acts sought to be enjoined.

6 (d) Proof of actual damage or that any person will sustain any damage if an
7 injunction is not granted is not required for an action under this section.

8 (e) An action under this section is in addition to and not instead of criminal
9 prosecution for unauthorized practice of dentistry under § 4-601 of this title or
10 disciplinary action under § 4-315 of this subtitle.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 1997.