

BY: Economic and Environmental Affairs Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL NO. 275
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “practice” insert “under general supervision of a dentist”; in the same line, strike the second “a” and substitute “the”; in the same line, after “being” insert “required to be”; strike beginning with “altering” in line 4 down through “duties;” in line 10 and substitute “repealing the authority of the State Board of Dental Examiners to waive certain supervision requirements for certain facilities; requiring a facility in which a dental hygienist is authorized to practice under general supervision to ensure that certain conditions are met; requiring that a facility that operates under general supervision report certain information to the Board; providing for the construction of certain provisions of this Act; defining a certain term; requiring the Board to make certain reports to the General Assembly; providing for the termination of this Act;”; in line 13, strike “4-101(h) and”; and after line 15, insert:

“BY adding to

Article - Health Occupations

Section 4-308(f)

Annotated Code of Maryland

(1994 Replacement Volume and 1997 Supplement)”.

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 19 on page 1 through line 4 on page 4 and substitute:

“4-308.

(d) (1) While it is effective, a general license to practice dental hygiene issued under this title authorizes the licensee to practice dental hygiene:

(Over)

(i) Only under the supervision of a licensed dentist who is on the premises and available for personal consultation while the services are being performed; and

(ii) Only in a:

1. Dental office;

2. Dental clinic;

3. Hospital;

4. School;

5. Charitable institution; or

6. Health maintenance organization certified by the State Insurance

Commissioner.

(2) The Board may waive, on a case by case basis only, the supervision requirements of this subsection for:

(i) [A dental facility owned and operated by the federal, the State, or a local government;

(ii)] A health facility licensed by the Department of Health and Mental Hygiene;

[(iii)] (II) A facility providing medical care to the poor, elderly, or handicapped that is owned and operated by:

1. The State or a local government; or

2. A bona fide charitable organization; or

[(iv)] (III) Any other setting authorized under regulations adopted by the Board.

(3) The Board may grant a waiver under paragraph (2) of this subsection if:

(i) The facility requesting the waiver has submitted a written application;

(ii) The facility requesting the waiver has submitted a medical emergency plan of action at the time of application; and

(iii) The Board finds that:

1. Good cause exists to justify the granting of the waiver;

2. Adequate facilities and equipment, including portable equipment where appropriate and appropriate armamentarium, are available for the appropriate delivery of dental hygiene services; and

3. Adequate safeguards are present to protect the patient's health and safety.

(4) (i) The Board, upon written request or its own motion, may conduct a public informational meeting on any waiver application.

(ii) The Board shall maintain records of all waiver applications and the criteria and basis for its action on each application.

(iii) The Board shall have the power to inspect or review any facility, location, person, or entity applying for, covered by, or acting under a waiver.

(5) (i) Except as provided under subparagraph (ii) of this paragraph, the Board shall accept or deny a waiver under paragraph (2) of this subsection within 60 calendar days of the receipt of the application for the waiver or it shall be deemed to have been accepted.

(ii) If extraordinary circumstances exist, the Board shall accept or deny a waiver under paragraph (2) of this subsection within 90 calendar days of the receipt of the

(Over)

application for the waiver or it shall be deemed to have been accepted.

(6) Any changes in the procedures or personnel of a facility with a waiver granted under this subsection shall be reported to the Board within 15 business days after the change.

(F) (1) IN THIS SUBSECTION, "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.

(2) WHILE IT IS EFFECTIVE A GENERAL LICENSE TO PRACTICE DENTAL HYGIENE ISSUED UNDER THIS TITLE AUTHORIZES THE LICENSEE TO PRACTICE DENTAL HYGIENE UNDER THE GENERAL SUPERVISION OF A LICENSED DENTIST IN:

(I) A DENTAL FACILITY OWNED AND OPERATED BY THE FEDERAL, THE STATE, OR A LOCAL GOVERNMENT;

(II) A PUBLIC HEALTH DEPARTMENT OF THE STATE OR A COUNTY; OR

(III) A NURSING HOME LICENSED BY THE STATE.

(3) A FACILITY IN WHICH A DENTAL HYGIENIST IS AUTHORIZED TO PRACTICE UNDER THE GENERAL SUPERVISION OF A LICENSED DENTIST SHALL ENSURE THAT:

(I) THE SUPERVISING DENTIST IN THE FACILITY:

1. HOLDS AN ACTIVE GENERAL LICENSE TO PRACTICE DENTISTRY IN THE STATE;

2. HOLDS A CURRENT CERTIFICATE EVIDENCING HEALTH PROVIDER LEVEL C PROFICIENCY, OR ITS EQUIVALENT, IN CARDIOPULMONARY RESUSCITATION; AND

3. HAS AT LEAST 2 YEARS OF ACTIVE CLINICAL PRACTICE IN DIRECT PATIENT CARE;

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

1. HOLDS AN ACTIVE GENERAL LICENSE TO PRACTICE DENTAL HYGIENE IN THE STATE;

2. HOLDS A CURRENT CERTIFICATE EVIDENCING HEALTH PROVIDER LEVEL C PROFICIENCY, OR ITS EQUIVALENT, IN CARDIOPULMONARY RESUSCITATION; AND

3. HAS AT LEAST 2 YEARS OF ACTIVE CLINICAL PRACTICE IN DIRECT PATIENT CARE;

(III) BEFORE THE INITIAL TREATMENT OF A PATIENT BY A DENTAL HYGIENIST PRACTICING UNDER THE GENERAL SUPERVISION OF A LICENSED DENTIST, THE SUPERVISING DENTIST, THE PATIENT'S DENTIST, OR THE TREATING PHYSICIAN EVALUATES THE PATIENT'S MEDICAL HISTORY AND DETERMINES ITS IMPACT ON THE PATIENT'S SUITABILITY TO RECEIVE ORAL HEALTH TREATMENT;

(IV) THE SUPERVISING DENTIST DIAGNOSES THE PATIENT AND APPROVES THE TREATMENT PLAN FOR THE PATIENT;

(V) THE SUPERVISING DENTIST AUTHORIZES, ON A PATIENT BY PATIENT BASIS, A DENTAL HYGIENIST TO PRACTICE UNDER THE GENERAL SUPERVISION OF A LICENSED DENTIST;

(VI) A DENTAL HYGIENIST PRACTICING UNDER THE GENERAL SUPERVISION OF A LICENSED DENTIST ASCERTAINS BEFORE TREATING A RECALL PATIENT THAT THERE HAS BEEN NO CHANGE IN THE PATIENT'S MEDICAL HISTORY;

(Over)

(VII) A DENTAL HYGIENIST CONSULTS WITH THE SUPERVISING DENTIST, THE PATIENT'S DENTIST, OR A TREATING PHYSICIAN BEFORE PROCEEDING WITH TREATMENT IF THERE IS A CHANGE IN THE PATIENT'S MEDICAL HISTORY;

(VIII) THE FACILITY HAS A MEDICAL EMERGENCY PLAN;

(IX) ADEQUATE FACILITIES AND EQUIPMENT ARE AVAILABLE FOR THE DELIVERY OF DENTAL HYGIENE SERVICES OTHER THAN FLUORIDE RINSE PROGRAMS; AND

(X) A RECALL PATIENT WHO HAS BEEN EXAMINED BY A DENTAL HYGIENIST PRACTICING UNDER THE GENERAL SUPERVISION OF A LICENSED DENTIST WILL BE SCHEDULED FOR AN ORAL EXAMINATION EVERY 6 MONTHS, OR AS OTHERWISE RECOMMENDED BY THE SUPERVISING DENTIST.

(4) BEFORE A FACILITY OPERATES UNDER GENERAL SUPERVISION, THE FACILITY SHALL REPORT TO THE BOARD:

(I) THAT THE FACILITY IS OPERATING UNDER GENERAL SUPERVISION; AND

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

(5) A FACILITY OPERATING UNDER GENERAL SUPERVISION SHALL REPORT TO THE BOARD ANY CHANGES IN THE STATUS OF THE FACILITY'S GENERAL SUPERVISION, ANY SUPERVISING DENTIST, OR ANY DENTAL HYGIENIST WITHIN 30 DAYS AFTER THE CHANGE.

(6) THIS SUBSECTION MAY NOT BE CONSTRUED TO:

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Dental Examiners shall report to the General Assembly by December 31, 1999, and each year thereafter, the identity of the facilities operating under general supervision, and the identity of the supervising dentist of those facilities operating under general supervision.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1998. It shall remain effective for a period of 3 years and, at the end of September 30, 2001, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.