
By: **Delegates Owings, D. Davis, Ciliberti, Hubbard, and Nathan-Pulliam**
Introduced and read first time: February 6, 1998
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Oral Health - Dental Hygienists - Access to Care**

3 FOR the purpose of authorizing a dental hygienist to practice without a dentist being
4 on the premises; altering a certain definition; limiting a dental hygienist to
5 treating only certain patients under certain circumstances; eliminating the
6 requirement that a dental hygienist obtain a certain waiver from the State
7 Board of Dental Examiners before being able to treat patients without a dentist
8 being on the premises; requiring a dentist to maintain on record and provide to
9 a dental hygienist an agreement allowing a dental hygienist to perform
10 appropriate duties; and generally relating to the practice of dental hygiene.

11 BY repealing and reenacting, with amendments,
12 Article - Health Occupations
13 Section 4-101(h) and 4-308(d)
14 Annotated Code of Maryland
15 (1994 Replacement Volume and 1997 Supplement)

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

18 **Article - Health Occupations**

19 4-101.

20 (h) [Except as provided in § 4-308(d)(2) of this title,] "GENERAL supervision"
21 means supervision of a dental hygienist by a dentist, where the dentist may or may
22 not be present when the dental hygienist performs the dental hygiene procedures
23 [but is available on the premises].

24 4-308.

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

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

4 (ii) Only in a:

5 1. Dental office ON A PATIENT WHO HAS BEEN EXAMINED BY
6 THE DENTIST OF RECORD;

7 2. Dental clinic;

8 3. Hospital;

9 4. School;

10 5. [Charitable] BONA FIDE CHARITABLE institution; [or]

11 6. [Health] FACILITY OR OFFICE UNDER CONTRACT WITH A
12 HEALTH maintenance organization certified by the State Insurance Commissioner[.];

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

15 (i) 7. [A dental] DENTAL facility owned and operated by the
16 federal, the State, or a local government;

17 [(ii)] 8. [A health] HEALTH facility licensed by the Department of
18 Health and Mental Hygiene;

19 9. SENIOR ASSISTED HOUSING PROGRAM LICENSED BY THE
20 STATE OFFICE ON AGING; OR

21 [(iii)] 10. [A facility] FACILITY providing medical care to the poor,
22 elderly, or handicapped that is owned and operated by:

23 [1.] A. The State or a local government; or

24 [2.] B. A bona fide charitable organization[; or].

25 [(iv) Any other setting authorized under regulations adopted by the
26 Board.

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

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

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

1 (iii) The Board finds that:

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

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

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

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

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

12 (iii)] (2) (I) A DENTIST SHALL MAINTAIN IN DENTAL OFFICE
13 RECORDS A LETTER OF AGREEMENT IF THE DENTIST PERMITS A DENTAL HYGIENIST
14 TO PERFORM ORAL HEALTH SERVICES WITHIN THE SCOPE OF PRACTICE OF A
15 DENTAL HYGIENIST WHEN THE DENTIST IS NOT PRESENT.

16 (II) THE DENTIST SHALL PROVIDE TO THE DENTAL HYGIENIST A
17 COPY OF THE LETTER.

18 (III) THE LETTER SHALL BE SIGNED BY EACH DENTIST AND DENTAL
19 HYGIENIST WHO WORKS IN THE DENTAL OFFICE.

20 (3) The Board shall have the power to inspect [or review] FOR JUST
21 CAUSE any facility, location, [person,] or entity [applying for, covered by, or acting
22 under a waiver] WHERE DENTAL HYGIENE SERVICES ARE PROVIDED BY PERSONS
23 ISSUED A GENERAL LICENSE TO PRACTICE DENTAL HYGIENE UNDER THIS TITLE.

24 [(5) (i) Except as provided under subparagraph (ii) of this paragraph,
25 the Board shall accept or deny a waiver under paragraph (2) of this subsection within
26 60 calendar days of the receipt of the application for the waiver or it shall be deemed
27 to have been accepted.

28 (ii) If extraordinary circumstances exist, the Board shall accept or
29 deny a waiver under paragraph (2) of this subsection within 90 calendar days of the
30 receipt of the application for the waiver or it shall be deemed to have been accepted.

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

34 (4) THIS SUBSECTION MAY NOT BE CONSTRUED TO:

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

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 1998.