

SENATE BILL 261
EMERGENCY BILL

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2002 Regular Session
2r1570

By: **Senator Pinsky**

Introduced and read first time: January 23, 2002

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing the holder of a certain license to practice dental
4 hygiene to practice dental hygiene under the general supervision of a dentist in
5 certain facilities and health departments; requiring a dental facility in which a
6 dental hygienist is authorized to practice under the general supervision of a
7 dentist to ensure that certain criteria are met; requiring a facility to report
8 certain information to the State Board of Dental Examiners before it operates
9 under general supervision; requiring a facility operating under general
10 supervision to report certain information to the Board; providing for the
11 construction of this Act; defining a certain term; requiring the Board to make
12 certain reports to the General Assembly; providing for the termination of this
13 Act; making this Act an emergency measure; and generally relating to the
14 practice of dental hygiene.

15 BY adding to

16 Article - Health Occupations

17 Section 4-308(h)

18 Annotated Code of Maryland

19 (2000 Replacement Volume and 2001 Supplement)

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

22 **Article - Health Occupations**

23 4-308.

24 (H) (1) IN THIS SUBSECTION, "GENERAL SUPERVISION" MEANS
25 SUPERVISION OF A DENTAL HYGIENIST BY A DENTIST, WHERE THE DENTIST MAY OR
26 MAY NOT BE PRESENT WHEN THE DENTAL HYGIENIST PERFORMS THE DENTAL
27 HYGIENE PROCEDURES.

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

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

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

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

10 (I) THE SUPERVISING DENTIST IN THE FACILITY:

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

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

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

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

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

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

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

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

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

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

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

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

7 (VIII) THE FACILITY HAS A MEDICAL EMERGENCY PLAN;

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

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

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

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

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

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

25 (6) THIS SUBSECTION MAY NOT BE CONSTRUED TO:

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

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Dental
31 Examiners shall report to the General Assembly by December 31, 2003, and by
32 December 31 each year thereafter, the identity of the facilities operating under
33 general supervision under § 4-308 of the Health Occupations Article as enacted by
34 this Act, and the identity of the supervising dentist of those facilities operating under
35 general supervision.

36 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
37 measure, is necessary for the immediate preservation of the public health or safety,

1 has been passed by a yea and nay vote supported by three-fifths of all the members
2 elected to each of the two Houses of the General Assembly, and shall take effect from
3 the date it is enacted. It shall remain effective through September 30, 2007, and, at
4 the end of September 30, 2007, with no further action required by the General
5 Assembly, this Act shall be abrogated and of no further force and effect.