

SENATE BILL 261  
EMERGENCY BILL

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2002 Regular Session  
2lr1570

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By: **Senator Pinsky**

Introduced and read first time: January 23, 2002

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 19, 2002

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CHAPTER \_\_\_\_\_

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:

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**Article - Health Occupations**

2 4-308.

3 (H) (1) IN THIS SUBSECTION, "GENERAL SUPERVISION" MEANS  
4 SUPERVISION OF A DENTAL HYGIENIST BY A DENTIST, WHERE THE DENTIST MAY OR  
5 MAY NOT BE PRESENT WHEN THE DENTAL HYGIENIST PERFORMS THE DENTAL  
6 HYGIENE PROCEDURES.

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

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

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

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

16 (I) THE SUPERVISING DENTIST IN THE FACILITY:

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

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

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

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

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

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

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

33 (III) BEFORE THE INITIAL TREATMENT OF A PATIENT BY A DENTAL  
34 HYGIENIST PRACTICING UNDER THE GENERAL SUPERVISION OF A LICENSED  
35 DENTIST, THE SUPERVISING DENTIST, THE PATIENT'S DENTIST, OR THE TREATING

1 PHYSICIAN EVALUATES THE PATIENT'S MEDICAL HISTORY AND DETERMINES ITS  
2 IMPACT ON THE PATIENT'S SUITABILITY TO RECEIVE ORAL HEALTH TREATMENT;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency  
8 measure, is necessary for the immediate preservation of the public health or safety,  
9 has been passed by a yea and nay vote supported by three-fifths of all the members  
10 elected to each of the two Houses of the General Assembly, and shall take effect from  
11 the date it is enacted. ~~It shall remain effective through September 30, 2007, and, at~~  
12 ~~the end of September 30, 2007, with no further action required by the General~~  
13 ~~Assembly, this Act shall be abrogated and of no further force and effect.~~