

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**  
**Revised**

Senate Bill 261

(Senator Pinsky)

Education, Health, and Environmental Affairs

Environmental Matters

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

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This emergency bill authorizes licensed dental hygienists to practice dental hygiene in some settings under the “general supervision” of a licensed dentist.

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**Fiscal Summary**

**State Effect:** None. The bill would not directly affect governmental finances. Currently, the board issues waivers of supervision for dental hygienists in public health settings. There is no application fee for a waiver. All the facilities affected by this bill either have been eligible for or are in possession of a waiver.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** This bill provides that a general dental hygienist license authorizes the licensee to practice under the general supervision of a licensed dentist in a governmental dental facility or a State or local public health department. General supervision means the supervising dentist maintains overall responsibility for quality of care, but may or may not be on the premises when the dental hygienist provides services. The bill exempts qualified licensed supervising dentists from obtaining a waiver from the State Board of Dental Examiners (SBDE) so the dental hygienist may provide services under general supervision. The bill sets forth the qualifications for the supervising dentist and the dental hygienist, and the conditions that facilities must meet to operate under general supervision. SBDE is required to report to the General Assembly by December 31,

beginning in 2003 and every year thereafter, on the facilities operating under general supervision pursuant to this bill and the identities of supervising dentists providing general supervision.

**Current Law:** Dental hygienists can practice under the supervision of a licensed dentist who is on the premises and available for consultation while services are performed. A dental hygienist can practice only in a dental office or clinic, hospital, school, charitable institution, or health maintenance organization. SBDE is authorized to issue waivers that allow general supervision on a case-by-case basis. The waivers may apply only to government-owned dental facilities, health facilities licensed by the Department of Health and Mental Hygiene, government-owned facilities serving the poor, elderly or disabled, or bona fide charitable organizations. SBDE may establish other facilities eligible for waiver by regulation. Waivers are not available for dental hygienists who work in private dental offices or clinics. To date, SBDE has issued 36 active waivers for general supervision. Eligible facilities that request waivers must submit a written application and a medical emergency plan.

**Background:** According to the American Dental Hygienists Association, 35 states and the District of Columbia allow general supervision of dental hygienists in all settings. Some of these states also allow unsupervised practice in some settings. They are:

Alaska, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Idaho, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming.

There are ten states, including Maryland, which require direct supervision of dental hygienists in dental offices and clinics, but authorize general supervision in other settings, under certain circumstances. They are:

Arkansas, Hawaii, Illinois, Indiana, Louisiana, Maryland, Mississippi, New Jersey, Pennsylvania, and South Carolina.

There are five states that require direct supervision of dental hygienists in all settings. They are:

Alabama, Georgia, Kentucky, Virginia, and West Virginia.

## **Additional Information**

**Prior Introductions:** SB 275 from the 1998 session was enacted as Chapter 595, of 1998. SB 275 contained the provisions of the current bill, as well as other provisions. The provisions establishing general supervision in specified settings were subject to sunset and terminated on September 30, 2001.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, American Dental Hygienists Association, Department of Legislative Services

**Fiscal Note History:** First Reader - February 8, 2002  
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