

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 608

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “anesthesia” insert “under certain circumstances; authorizing the State Board of Dental Examiners to adopt certain regulations”; in the same line, strike “State”; in the same line, strike the third “of”; in line 5, strike “Dental Examiners”; in line 6, after “hygienists;” insert “authorizing certain dental hygienists to administer certain anesthesia under certain circumstances; requiring certain dental hygienists to meet certain educational and examination requirements before administering certain anesthesia;”; strike beginning with “requiring” in line 6 down through “hygienists” in line 8 and substitute “providing for certain grounds for discipline of certain dentists and certain dental hygienists”; in line 12, strike “4-101(l) and 4-206” and substitute “4-101(l), 4-205(a)(1), 4-206, and 4-315(a)(30) and (31) and (b)(16) and (17)”; and after line 14, insert:

“BY adding to

Article - Health Occupations

Section 4-206.1 and 4-315(a)(32) and (b)(18)

Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)”.

AMENDMENT NO. 2

On page 2, in lines 3 and 17, in each instance, strike “INCLUDING NITROUS OXIDE” and substitute “IN ACCORDANCE WITH § 4-206.1 OF THIS TITLE”; after line 5, insert:

“4-205.

(a) In addition to the powers set forth elsewhere in this title, the Board may:

(1) Adopt regulations governing:

(Over)

(i) The administration of general anesthesia by a licensed dentist;

(ii) The administration of sedation by a licensed dentist;

(iii) THE ADMINISTRATION OF LOCAL ANESTHESIA BY A DENTAL HYGIENIST UNDER § 4-206.1 OF THIS SUBTITLE;

(IV) The use of a dental assistant by a licensed dentist in performing intraoral procedures;

[(iv)] (V) Subject to subsection (b) of this section, the issuance of a permit to a facility not otherwise regulated where a dentist administers or has general anesthesia or sedation administered;

[(v)] (VI) Subject to subsection (b) of this section, the issuance of a permit to a dentist who administers or has general anesthesia or sedation administered;

[(vi)] (VII) Reasonable requirements for the training and evaluation of a dentist before the dentist may administer general anesthesia or sedation other than nitrous oxide administered alone and not in conjunction with:

1. Another method of diminishing or eliminating pain; or

2. Medication used for diminishing or eliminating anxiety;

(VIII) REQUIREMENTS FOR THE TRAINING, EDUCATION, AND EVALUATION OF A DENTAL HYGIENIST BEFORE THE DENTAL HYGIENIST MAY ADMINISTER LOCAL ANESTHESIA UNDER § 4-206.1 OF THIS SUBTITLE;

[(vii)] (IX) The discipline of a holder of any facility or administration permit for the administration of general anesthesia or sedation; and

[(viii)] (X) The release of patient dental records;”;

in line 16, strike “AND” and substitute “OR”; in line 17, after “ANESTHESIA” insert “ADMINISTERED”; after line 17, insert:

“4-206.1.

(A) SUBJECT TO THE REQUIREMENTS OF SUBSECTIONS (B) AND (C) OF THIS SECTION, A DENTAL HYGIENIST MAY ADMINISTER LOCAL ANESTHESIA BY INFILTRATION FOR THE PURPOSE OF ANESTHETIZING SOFT TISSUE TO FACILITATE THE PERFORMANCE OF DENTAL HYGIENE PROCEDURES UNDER THE DIRECT SUPERVISION OF A LICENSED DENTIST WHO IS PRESENT IN THE OFFICE AREA WHERE THE ANESTHESIA IS ADMINISTERED FOR THE PURPOSES OF DENTAL HYGIENE AND NOT AS A MEDICAL SPECIALTY.

(B) BEFORE A DENTAL HYGIENIST MAY ADMINISTER LOCAL ANESTHESIA UNDER SUBSECTION (A) OF THIS SECTION, THE DENTAL HYGIENIST SHALL SUCCESSFULLY COMPLETE:

(1) ANY EDUCATIONAL REQUIREMENTS ESTABLISHED BY THE BOARD; AND

(2) A WRITTEN AND CLINICAL EXAMINATION REQUIRED BY THE BOARD.

(C) THE EDUCATIONAL REQUIREMENTS ESTABLISHED BY THE BOARD UNDER SUBSECTION (B)(1) OF THIS SECTION SHALL BE OBTAINED FROM AN ACCREDITED DENTAL HYGIENE PROGRAM.

4-315.

(a) Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher’s license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

(30) Fails to begin to fulfill a public service requirement within 1 year of when the

(Over)

assignment is to begin that was a condition of the applicant or licensee receiving State or federal loans or scholarships for the applicant's or licensee's dental education; [or]

(31) Fails to comply with any Board order; OR

(32) USES ANY FORM OF DIRECT OR INDIRECT DISCIPLINARY OR RETALIATORY ACTION AGAINST A DENTAL HYGIENIST BECAUSE THE DENTAL HYGIENIST REFUSES TO ADMINISTER LOCAL ANESTHESIA UNDER § 4-206.1 OF THIS TITLE.

(b) Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dental hygiene, a teacher's license to practice dental hygiene, or a temporary license to practice dental hygiene to any applicant, reprimand any licensed dental hygienist, place any licensed dental hygienist on probation, or suspend or revoke the license of any licensed dental hygienist, if the applicant or licensee:

(16) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control's guidelines on universal precautions; [or]

(17) Fails to comply with any Board order; OR

(18) ATTEMPTS, DIRECTLY OR INDIRECTLY, TO COERCE, INTIMIDATE, OR COMPEL A LICENSED DENTIST TO AUTHORIZE OR PERMIT A DENTAL HYGIENIST EMPLOYED BY OR WORKING UNDER THE SUPERVISION OF THAT LICENSED DENTIST, TO ADMINISTER LOCAL ANESTHESIA UNDER § 4-206.1 OF THIS TITLE.”;

strike in their entirety lines 18 through 21, inclusive; and in line 22, strike “3.” and substitute “2.”.