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By: **Senators Britt, Dyson, Kramer, and Schrader**  
 Introduced and read first time: February 4, 2005  
 Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments  
 Senate action: Adopted  
 Read second time: March 20, 2005

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## CHAPTER\_\_\_\_\_

1 AN ACT concerning

2 **Dental Hygiene - Administration of Anesthesia**

3 FOR the purpose of altering the definition of dental hygiene to include the  
 4 administration of certain anesthesia under certain circumstances; authorizing  
 5 the State Board of Dental Examiners to adopt certain regulations; altering the  
 6 authority of the ~~State Board of Dental Examiners~~ to adopt certain rules and  
 7 regulations concerning the administration of certain anesthesia by certain  
 8 dental hygienists; authorizing certain dental hygienists to administer certain  
 9 anesthesia under certain circumstances; requiring certain dental hygienists to  
 10 meet certain educational and examination requirements before administering  
 11 certain anesthesia; requiring the Board to adopt certain regulations concerning  
 12 a certain educational requirement for certain dental hygienists providing for  
 13 certain grounds for discipline of certain dentists and certain dental hygienists;  
 14 and generally relating to dental hygiene and the administration of anesthesia.

15 BY repealing and reenacting, with amendments,  
 16 Article - Health Occupations  
 17 Section ~~4-101(f) and 4-206~~ 4-101(f), 4-205(a)(1), 4-206, and 4-315(a)(30) and  
 18 (31) and (b)(16) and (17)  
 19 Annotated Code of Maryland  
 20 (2000 Replacement Volume and 2004 Supplement)

21 BY adding to  
 22 Article - Health Occupations  
 23 Section 4-206.1 and 4-315(a)(32) and (b)(18)  
 24 Annotated Code of Maryland  
 25 (2000 Replacement Volume and 2004 Supplement)

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

3 **Article - Health Occupations**

4 4-101.

5 (l) "Practice dental hygiene" means to:

6 (1) Perform a preliminary dental examination;

7 (2) Perform a complete prophylaxis, including the removal of any  
8 deposit, accretion, or stain from the surface of a tooth or a restoration;

9 (3) Polish a tooth or a restoration;

10 (4) Chart cavities, restorations, missing teeth, periodontal conditions,  
11 and other features observed during preliminary examination, prophylaxis, or  
12 polishing;

13 (5) Apply a medicinal agent to a tooth for a prophylactic purpose;

14 (6) Take a dental X ray; [or]

15 (7) ADMINISTER LOCAL ANESTHESIA ~~INCLUDING NITROUS OXIDE IN~~  
16 ACCORDANCE WITH § 4-206.1 OF THIS TITLE; OR

17 [(7)] (8) Perform any other intraoral function that the Board authorizes  
18 by a rule or regulation adopted under § 4-206 of this title.

19 4-205.

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

21 (1) Adopt regulations governing:

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

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

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

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

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

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

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

7 1. Another method of diminishing or eliminating pain; or

8 2. Medication used for diminishing or eliminating anxiety;

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

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

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

15 4-206.

16 (a) Except as otherwise provided in this section, the Board may adopt rules  
 17 and regulations that authorize a licensed dental hygienist to perform additional  
 18 intraoral functions.

19 (b) The Board may not authorize a licensed dental hygienist to:

20 (1) Perform a diagnosis;

21 (2) Perform an extraction;

22 (3) Repair a cavity;

23 (4) Correct tooth placement;

24 (5) Perform a surgical procedure; or

25 (6) Administer anesthesia other than topical anesthesia ~~AND OR LOCAL~~  
 26 ~~ANESTHESIA ADMINISTERED INCLUDING NITROUS OXIDE~~ IN ACCORDANCE WITH §  
 27 4-206.1 OF THIS TITLE.

28 4-206.1.

29 (A) SUBJECT TO THE REQUIREMENTS OF SUBSECTIONS (B) AND (C) OF THIS  
 30 SECTION, A DENTAL HYGIENIST MAY ADMINISTER LOCAL ANESTHESIA BY  
 31 INFILTRATION FOR THE PURPOSE OF ANESTHETIZING SOFT TISSUE TO FACILITATE  
 32 THE PERFORMANCE OF DENTAL HYGIENE PROCEDURES UNDER THE DIRECT  
 33 SUPERVISION OF A LICENSED DENTIST WHO IS PRESENT IN THE OFFICE AREA

1 WHERE THE ANESTHESIA IS ADMINISTERED FOR THE PURPOSES OF DENTAL  
2 HYGIENE AND NOT AS A MEDICAL SPECIALTY.

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

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

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

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

12 4-315.

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

18 (30) Fails to begin to fulfill a public service requirement within 1 year of  
19 when the assignment is to begin that was a condition of the applicant or licensee  
20 receiving State or federal loans or scholarships for the applicant's or licensee's dental  
21 education; [or]

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

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

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

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

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

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

5           ~~SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Dental~~  
6 ~~Examiners shall develop regulations requiring the completion of an education~~  
7 ~~program before a dental hygienist may administer local anesthesia including nitrous~~  
8 ~~oxide.~~

9           SECTION ~~3-~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take  
10 effect October 1, 2005.