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By: **Delegate Hubbard**

Introduced and read first time: February 10, 2006

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **Dentists and Dental Hygienists - General Supervision - Practice**  
3 **Requirements**

4 FOR the purpose of altering the types of settings in which certain licensed dental  
5 hygienists may practice dental hygiene under the supervision of certain licensed  
6 dentists while a supervising dentist is not on the premises; repealing certain  
7 provisions that authorize the State Board of Dental Examiners to waive certain  
8 supervision requirements for certain dental hygienists for certain facilities;  
9 altering the scope of certain licenses to practice dental hygiene; altering the  
10 requirements that certain facilities that employ certain dental hygienists who  
11 are authorized to practice dental hygiene under certain supervision  
12 requirements are required to meet; repealing certain supervision requirements  
13 for certain dental hygienists in certain private dental offices; and generally  
14 relating to dentists and dental hygienists and general supervision practice  
15 requirements.

16 BY repealing and reenacting, with amendments,  
17 Article - Health Occupations  
18 Section 4-308  
19 Annotated Code of Maryland  
20 (2005 Replacement Volume)

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

23 **Article - Health Occupations**

24 4-308.

25 (a) A general license to practice dentistry issued under this title authorizes  
26 the licensee to practice dentistry while the license is effective.

27 (b) While it is effective, a limited license to practice dentistry issued under  
28 this title authorizes the licensee to practice dentistry, including as an intern or a  
29 resident:

1 (1) Only for the institution or public health program named on the  
2 license; and

3 (2) Only on patients of the institution or public health program named  
4 on the license.

5 (c) While it is effective, a retired volunteer dentist's license or a volunteer  
6 dentist's license to practice dentistry issued under this title authorizes the licensee to  
7 practice dentistry:

8 (1) Only in a dental office, dental clinic, ambulatory care facility, or  
9 hospital;

10 (2) Only for an entity providing medical care to the poor, elderly, or  
11 handicapped that is operated by:

12 (i) The State or a local government;

13 (ii) A bona fide charitable organization; or

14 (iii) Any other entity authorized under regulations adopted by the  
15 Board;

16 (3) If the dentist signs a written statement agreeing to donate at least  
17 100 hours of dental services without compensation in a facility that satisfies the  
18 requirements of subsection (d)(1) and (2) of this section;

19 (4) If the dentist provides documentation as required by the Board which  
20 evidences that the licensee is covered by malpractice insurance; and

21 (5) If the dentist does not otherwise practice dentistry for profit in  
22 Maryland.

23 (d) While it is effective, a teacher's license to practice dentistry issued under  
24 this title authorizes the licensee to practice dentistry at only the following  
25 institutions:

26 (1) The institution named on the license; and

27 (2) Other affiliated institutions as appropriate because of the specialized  
28 nature of the services to be performed.

29 (e) [(1)] While it is effective, a general license to practice dental hygiene  
30 issued under this title authorizes the licensee to practice dental hygiene:

31 [(i)] (1) Under the supervision of a licensed dentist who is:

32 [1.] (I) On the premises and available for personal  
33 consultation while the services are being performed; or

1 [2.] (II) Not on the premises while authorized dental hygiene  
 2 services are provided when the requirements of [subsection (i)] SUBSECTION (H) of  
 3 this section have been fully satisfied; and

4 [(ii)] (2) [Only in a] IN ANY OF THE FOLLOWING SETTINGS:

5 [1.] (I) Dental office;

6 [2.] (II) Dental clinic;

7 [3.] (III) Hospital;

8 [4.] (IV) School;

9 [5.] (V) Charitable institution; [or]

10 [6.] (VI) Health maintenance organization certified by the  
 11 State Insurance Commissioner[.];

12 [(2) The Board may waive, on a case by case basis only, the supervision  
 13 requirements of this subsection for:

14 [(i)] (VII) A dental facility owned and operated by the federal, the  
 15 State, or a local government;

16 [(ii)] (VIII) A health facility licensed by the Department of Health  
 17 and Mental Hygiene;

18 [(iii)] (IX) A facility providing medical care to the poor, elderly, or  
 19 handicapped that is owned and operated by:

20 1. The State or a local government; or

21 2. A bona fide charitable organization; or

22 [(iv)] (X) Any other setting authorized under regulations adopted by  
 23 the Board.

24 [(3) The Board may grant a waiver under paragraph (2) of this subsection  
 25 if:

26 (i) The facility requesting the waiver has submitted a written  
 27 application;

28 (ii) The facility requesting the waiver has submitted a medical  
 29 emergency plan of action at the time of application; and

30 (iii) The Board finds that:

31 1. Good cause exists to justify the granting of the waiver;



1 (4) If the dental hygienist provides documentation as required by the  
2 Board which evidences that the licensee is covered by malpractice insurance; and

3 (5) If the dental hygienist does not otherwise practice dental hygiene for  
4 profit in Maryland.

5 (g) While it is effective, a teacher's license to practice dental hygiene issued  
6 under this title authorizes the licensee to:

7 (1) Teach dental hygiene only at the institution named on the license;  
8 and

9 (2) Practice dental hygiene under the general supervision of a licensed  
10 dentist with the institution named on the license.

11 (h) (1) In this subsection, "general supervision" means supervision of a  
12 dental hygienist by a dentist, where the dentist may or may not be present when the  
13 dental hygienist performs the dental hygiene procedures.

14 (2) While it is effective, a general license to practice dental hygiene  
15 issued under this title authorizes the licensee to practice dental hygiene under the  
16 general supervision of a licensed dentist in[:

17 (i) A dental facility owned and operated by the federal, the State,  
18 or a local government; or

19 (ii) A public health department of the State or a county] THE  
20 SETTINGS SET FORTH IN SUBSECTION (E)(2) OF THIS SECTION.

21 (3) A facility in which a dental hygienist is authorized to practice under  
22 the general supervision of a licensed dentist shall ensure that:

23 (i) The supervising dentist in the facility:

24 1. Holds an active general license to practice dentistry in the  
25 State;

26 2. Holds a current certificate evidencing health provider  
27 level C proficiency, or its equivalent, in cardiopulmonary resuscitation; and

28 3. Has at least 2 years of active clinical practice in direct  
29 patient care;

30 (ii) Each dental hygienist authorized to practice under the general  
31 supervision of a licensed dentist:

32 1. Holds an active general license to practice dental hygiene  
33 in the State;

34 2. Holds a current certificate evidencing health provider  
35 level C proficiency, or its equivalent, in cardiopulmonary resuscitation; and



1 (ii) Prohibit a dentist from being available for personal consultation  
2 or on the premises where a dental hygienist is practicing.

3 [(i) (1) In this subsection, "private dental office" means a dental office owned  
4 and operated by:

5 (i) A licensed dentist; or

6 (ii) A professional corporation, partnership, limited liability  
7 company, or limited liability partnership owned and controlled by a licensed dentist.

8 (2) While it is effective, a general license to practice dental hygiene  
9 issued under this title authorizes the licensee to practice dental hygiene under the  
10 general supervision of a licensed dentist in a private dental office.

11 (3) A private dental office in which a dental hygienist is authorized to  
12 practice under the general supervision of a licensed dentist shall ensure that:

13 (i) The supervising dentist holds an active license to practice  
14 dentistry in this State;

15 (ii) The dental hygienist holds an active license to practice dental  
16 hygiene in this State;

17 (iii) The dental hygienist has at least 1,500 hours of dental hygiene  
18 clinical practice in direct patient care; and

19 (iv) There is a written agreement between the supervising dentist  
20 and the dental hygienist practicing under general supervision that clearly sets forth  
21 the terms and conditions under which the dental hygienist may practice, including a  
22 statement that the dental hygienist may provide dental hygiene services without the  
23 supervising dentist on the premises.

24 (4) A dental hygienist may perform authorized dental hygiene services  
25 without the supervising dentist on the premises only if:

26 (i) After the supervising dentist examines and evaluates a patient,  
27 the prescribed and authorized treatment to be provided by the dental hygienist is  
28 written in the patient's records;

29 (ii) 1. Treatments authorized by a supervising dentist to be  
30 provided by the dental hygienist are rendered no later than 7 months from the date  
31 the patient was examined and evaluated by the supervising dentist; and

32 2. Upon expiration of a prescription or prescribed treatment,  
33 the supervising dentist examines and reevaluates the patient before writing a new  
34 prescription and authorization for treatment;

35 (iii) Prior to an appointment, the patient or the custodial parent or  
36 legal guardian of a minor or incompetent adult shall:

