By: **Delegate Hubbard** Introduced and read first time: February 10, 2006

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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2 3	

Dentists and Dental Hygienists - General Supervision - Practice 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

14 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.

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

(b) While it is effective, a limited license to practice dentistry issued underthis title authorizes the licensee to practice dentistry, including as an intern or aresident:

1 2 lic	ense; and	(1)	Only for	the instit	tution o	or public	c healtl	n prograi	n name	d on the	
3 4 or	the licens	(2) e.	Only on	patients of	of the ii	nstitutio	on or p	ublic hea	llth prog	gram nam	ed
	(c) entist's licer actice dent	nse to pra	e it is effective, a retired volunteer dentist's license or a volunteer practice dentistry issued under this title authorizes the licensee to								
8 9 hc	ospital;	(1)	Only in	a dental c	office, d	lental cl	linic, a	mbulator	ry care f	acility, o	r
10 11 ha	andicapped	(2) 1 that is o		r an entity y:	v provid	ling me	dical c	are to the	e poor, e	elderly, o	r
12			(i)	The Stat	e or a le	ocal go	vernme	ent;			
13			(ii)	A bona f	fide cha	ritable	organi	zation; o	r		
14 15 B	oard;		(iii)	Any othe	er entity	y author	rized u	nder reg	ulations	adopted	by the
	00 hours of equirement		ervices w		mpensa	ation in	a facili				st
19 20 ev	vidences th	(4) hat the lic		entist prov				-	ed by th	e Board v	which
21 22 N	laryland.	(5)	If the de	entist does	s not oth	herwise	e practi	ce dentis	try for p	profit in	
	 (d) While it is effective, a teacher's license to practice dentistry issued under this title authorizes the licensee to practice dentistry at only the following institutions: 										
26		(1)	The inst	itution na	med or	n the lic	ense; a	nd			
27 28 na	ature of the	(2) e services		filiated in rformed.	istitutio	ons as aj	ppropr	iate beca	use of t	he specia	lized
29 30 is	(e) sued under	[(1)] r this title		is effecti es the lice						l hygiene	;
31			[(i)]	(1)	Under	the sup	ervisic	on of a lie	censed c	lentist wh	no is:
32	oncultation	while th	acarnica	[1.]	(I) g parfo		-	nises and	l availat	ole for pe	rsonal

33 consultation while the services are being performed; or

 services are provided wl this section have been full 	hen the			Not on the premises while authorized dental hygiene (subsection (i)] SUBSECTION (H) of			
4 [((ii)]	(2)	[Only ir	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 11 State Insurance Commi		[6.] [.];	(VI)	Health maintenance organization certified by the			
12 [(2) The Board may waive, on a case by case basis only, the supervision 13 requirements of this subsection for:							
14 (i 15 State, or a local government	/ -	(VII)	A denta	l facility owned and operated by the federal, the			
16 [(17 and Mental Hygiene;	(ii)]	(VIII)	A heal	th facility licensed by the Department of Health			
18 [(19 handicapped that is own	(iii)] ned and	(IX) operated		ty providing medical care to the poor, elderly, or			
20		1.	The Sta	te or a local government; or			
21		2.	A bona	fide charitable organization; or			
22 [(23 the Board.	(iv)]	(X)	Any oth	er setting authorized under regulations adopted by			
24 [(3) T 25 if:	The Boa	rd may g	grant a wa	aiver under paragraph (2) of this subsection			
26 (i 27 application;	i)	The faci	lity requ	esting the waiver has submitted a written			
28 (i 29 emergency plan of action				esting the waiver has submitted a medical ion; and			
30 (i	iii)	The Boa	ard finds	that:			
31		1.	Good ca	ause exists to justify the granting of the waiver;			

	2. Adequate facilities and equipment, including portable equipment where appropriate and appropriate armamentarium, are available for the appropriate delivery of dental hygiene services; and						
4 5	3. Adequate safeguards are present to protect the patient's health and safety.						
6 7	(4) (i) The Board, upon written request or its own motion, may conduct a public informational meeting on any waiver application.						
8 9	(ii) The Board shall maintain records of all waiver applications and the criteria and basis for its action on each application.						
10 11	(iii) The Board shall have the power to inspect or review any facility, location, person, or entity applying for, covered by, or acting under a waiver.						
14	(5) (i) Except as provided under subparagraph (ii) of this paragraph, the Board shall accept or deny a waiver under paragraph (2) of this subsection within 60 calendar days of the receipt of the application for the waiver or it shall be deemed to have been accepted.						
	(ii) If extraordinary circumstances exist, the Board shall accept or deny a waiver under paragraph (2) of this subsection within 90 calendar days of the receipt of the application for the waiver or it shall be deemed to have been accepted.						
	6) Any changes in the procedures or personnel of a facility with a waiver granted under this subsection shall be reported to the Board within 15 business days after the change.]						
23	 (f) While it is effective, a retired volunteer dental hygienist's license or a volunteer hygienist's license to practice dental hygiene issued under this title authorizes the licensee to practice dental hygiene: 						
25 26	(1) Only in a dental office, dental clinic, ambulatory care facility, or hospital;						
27 28	(2) Only for an entity providing medical care to the poor, elderly, or 8 handicapped that is operated by:						
29	(i) The State or a local government;						
30	(ii) A bona fide charitable organization; or						
31 32	(iii) Any other entity authorized under regulations adopted by the Board;						
33	(3) If the dental hygienist signs a written statement agreeing to donate						

34 at least 100 hours of dental hygiene services without compensation in a facility that 35 satisfies the requirements of subsection (g)(1) and (2) of this section;

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[:						
A dental facility owned and operated by the federal, the State, A dental facility owned and operated by the federal, the State,						
19(ii)A public health department of the State or a county] THE20SETTINGS SET FORTH IN SUBSECTION (E)(2) OF THIS SECTION.						
A facility in which a dental hygienist is authorized to practice under the general supervision of a licensed dentist shall ensure that:						
23 (i) The supervising dentist in the facility:						
1. Holds an active general license to practice dentistry in the S State;						
26 2. Holds a current certificate evidencing health provider 27 level C proficiency, or its equivalent, in cardiopulmonary resuscitation; and						
283.Has at least 2 years of active clinical practice in direct29 patient care;						
BO (ii) Each dental hygienist authorized to practice under the general supervision of a licensed dentist:						
1. Holds an active general license to practice dental hygiene in the State;						
2. Holds a current certificate evidencing health provider bell C proficiency, or its equivalent, in cardiopulmonary resuscitation; and						

1 2 patient care;	3.	Has at least 2 years of active clinical practice in direct
4 practicing under the get 5 the patient's dentist, or	neral supervisio the treating phy	the initial treatment of a patient by a dental hygienist n of a licensed dentist, the supervising dentist, sician evaluates the patient's medical history t's suitability to receive oral health treatment;
7 (8 treatment plan for the p		pervising dentist diagnoses the patient and approves the
		pervising dentist authorizes, on a patient by patient der the general supervision of a licensed
	ains before treat	al hygienist practicing under the general supervision of a ing a recall patient that there has been no ;
	reating physician	al hygienist consults with the supervising dentist, the n before proceeding with treatment if there is ry;
18 ((viii)] (III)	The facility has a medical emergency plan; AND
	[(ix)] (IV) iene services oth	Adequate facilities and equipment are available for the her than fluoride rinse programs[; and
22 practicing under the ge	eneral supervision	l patient who has been examined by a dental hygienist on of a licensed dentist will be scheduled for an s otherwise recommended by the supervising
25(4)126report to the Board:	Before a facility	operates under general supervision, the facility shall
27 ((i) That th	e facility is operating under general supervision; and
28 29 hygienist.	(ii) The ide	entity of each supervising dentist and each dental
	the status of the	ing under general supervision shall report to the facility's general supervision, any supervising 30 days after the change.
33 (6)	This subsection	may not be construed to:
34	(i) Author	ize a dental hygienist to practice dental hygiene

34 (i) Authorize a dental hygienist to practice dental hygiene
 35 independent of a supervising dentist; or

1 2 or on the premises wh	(ii) here a der	Prohibit a dentist from being available for personal consultation ntal hygienist is practicing.				
3 [(i) (1) 4 and operated by:	In this s	ubsection, "private dental office" means a dental office owned				
5	(i)	A licensed dentist; or				
6 7 company, or limited	(ii) liability p	A professional corporation, partnership, limited liability artnership owned and controlled by a licensed dentist.				
	authorize	t is effective, a general license to practice dental hygiene es the licensee to practice dental hygiene under the sed dentist in a private dental office.				
11 (3) 12 practice under the ge		te dental office in which a dental hygienist is authorized to revision of a licensed dentist shall ensure that:				
1314 dentistry in this State	(i) e;	The supervising dentist holds an active license to practice				
1516 hygiene in this State	(ii) ;	The dental hygienist holds an active license to practice dental				
17 18 clinical practice in d	(iii) irect patie	The dental hygienist has at least 1,500 hours of dental hygiene ent 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) 25 without the supervise		l hygienist may perform authorized dental hygiene services at on the premises only if:				
2627 the prescribed and at28 written in the patient		After the supervising dentist examines and evaluates a patient, treatment to be provided by the dental hygienist is				
		1. Treatments authorized by a supervising dentist to be ist are rendered no later than 7 months from the date evaluated by the supervising dentist; and				
3233 the supervising denti34 prescription and auth		2. Upon expiration of a prescription or prescribed treatment, nes and reevaluates the patient before writing a new for treatment;				
35 26 local coordina of a n	(iii)	Prior to an appointment, the patient or the custodial parent or				

36 legal guardian of a minor or incompetent adult shall:

- 1 1. Be informed that a dental hygienist will be providing 2 services previously prescribed by a dentist who will not be on the premises during the 3 appointment; and
- 4 2. Consent to receiving the dental hygiene services;
- 5 (iv) Written emergency procedures are in place and the dental 6 hygienist is trained to implement the emergency procedures;
- 7 (v) A designated licensed dentist is available for consultation with 8 the dental hygienist; and
- 9 (vi) The number of unsupervised clinical hours worked by a 10 supervised dental hygienist in any given calendar week is less than 60 percent of the
- 11 dental hygienist's total hours.
- 12 (5) A supervising dentist may not employ more than two dental 13 hygienists to work under the dentist's general supervision at any given time.]
- 14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 15 October 1, 2006.