

HOUSE BILL 474

J2

71r2231
CF SB 531

By: **Delegate Donoghue**

Introduced and read first time: February 6, 2007

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Dental Hygiene – Administration of Local 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 Board to adopt certain rules and regulations concerning the
7 administration of certain anesthesia by certain dental hygienists; authorizing
8 certain dental hygienists to administer certain anesthesia under certain
9 circumstances; requiring certain dental hygienists to meet certain educational
10 and examination requirements prior to administering certain anesthesia;
11 authorizing a dentist to condition employment of a certain dental hygienist on
12 the administration of a certain anesthesia without facing certain grounds for
13 discipline; providing certain grounds for the discipline of certain dentists and
14 certain dental hygienists; and generally relating to dental hygiene and the
15 administration of local anesthesia.

16 BY repealing and reenacting, with amendments,

17 Article – Health Occupations

18 Section 4–101(k), 4–205(a)(1), 4–206, and 4–315(a)(30) and (31) and (b)(16) and
19 (17)

20 Annotated Code of Maryland

21 (2005 Replacement Volume and 2006 Supplement)

22 BY adding to

23 Article – Health Occupations

24 Section 4–206.1 and 4–315(a)(32) and (b)(18)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2005 Replacement Volume and 2006 Supplement)

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

5 **Article – Health Occupations**

6 4–101.

7 (k) “Practice dental hygiene” means to:

8 (1) Perform a preliminary dental examination;

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

11 (3) Polish a tooth or a restoration;

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

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

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

17 (7) **ADMINISTER LOCAL ANESTHESIA IN ACCORDANCE WITH §**
18 **4–206.1 OF THIS TITLE; OR**

19 [(7)] (8) Perform any other intraoral function that the Board
20 authorizes by a rule or regulation adopted under § 4–206 of this title.

21 4–205.

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

23 (1) Adopt regulations governing:

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

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

2 (III) **THE ADMINISTRATION OF LOCAL ANESTHESIA BY A**
3 **DENTAL HYGIENIST UNDER § 4-206.1 OF THIS SUBTITLE;**

4 [(iii)](IV) The use of a dental assistant by a licensed dentist in
5 performing intraoral procedures;

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

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

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

- 15 1. Another method of diminishing or eliminating pain; or
16 2. Medication used for diminishing or eliminating
17 anxiety;

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

22 (IX) **REASONABLE REQUIREMENTS FOR THE**
23 **ADMINISTRATION OF LOCAL ANESTHESIA BY A DENTAL HYGIENIST UNDER §**
24 **4-206.1 OF THIS SUBTITLE;**

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

27 [(viii)](XI) The release of patient dental records;

28 4-206.

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

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

5 (1) Perform a diagnosis;

6 (2) Perform an extraction;

7 (3) Repair a cavity;

8 (4) Correct tooth placement;

9 (5) Perform a surgical procedure; [or]

10 (6) Administer anesthesia other than **THE FOLLOWING:**

11 (I) [topical] **TOPICAL** anesthesia; **OR**

12 (II) **LOCAL ANESTHESIA IN ACCORDANCE WITH § 4-206.1 OF**
13 **THIS SUBTITLE.**

14 **4-206.1.**

15 (A) **SUBJECT TO THE REQUIREMENTS OF SUBSECTIONS (B) AND (C) OF**
16 **THIS SECTION, A DENTAL HYGIENIST MAY ADMINISTER LOCAL ANESTHESIA BY**
17 **INFILTRATION FOR THE PURPOSE OF ANESTHETIZING SOFT TISSUE TO**
18 **FACILITATE DENTAL HYGIENE PROCEDURES, BUT NOT AS A MEDICAL**
19 **SPECIALTY, PROVIDED THAT LOCAL ANESTHESIA IS ADMINISTERED UNDER THE**
20 **SUPERVISION OF A DENTIST THAT:**

21 (1) **IS PHYSICALLY PRESENT; AND**

22 (2) **PRESCRIBES THE ADMINISTRATION OF LOCAL ANESTHESIA**
23 **BY THE DENTAL HYGIENIST.**

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

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

3 **(2) A WRITTEN AND CLINICAL EXAMINATION AS REQUIRED BY**
4 **THE BOARD.**

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

8 **(D) A DENTIST MAY ESTABLISH THE ADMINISTRATION OF LOCAL**
9 **ANESTHESIA AS A CONDITION OF EMPLOYMENT FOR A DENTAL HYGIENIST**
10 **WITHOUT FACING SANCTIONS UNDER § 4-315(A) OF THIS TITLE.**

11 4-315.

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

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

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

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

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

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

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

5 **(18) ATTEMPTS IN ANY WAY, DIRECTLY OR INDIRECTLY, TO**
6 **COERCE, INTIMIDATE, OR COMPEL A DENTIST TO AUTHORIZE OR PERMIT A**
7 **DENTAL HYGIENIST EMPLOYED BY OR WORKING UNDER THE DIRECTION OR**
8 **SUPERVISION OF THAT DENTIST TO ADMINISTER LOCAL ANESTHESIA UNDER §**
9 **4-206.1 OF THIS TITLE.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2007.