

HOUSE BILL 751

J2

71r1178
CF SB 568

By: ~~Delegate Oaks~~ Delegates Oaks, Hammen, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Pena-Melnyk, Pendergrass, Riley, Tarrant, and Weldon

Introduced and read first time: February 8, 2007

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 28, 2007

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Supervised Practice – Dental Hygienist**

3 FOR the purpose of altering the requirements for certain dental facilities that employ
4 certain dental hygienists who are authorized to practice dental hygiene under
5 certain supervision; and generally relating to dental hygienists and general
6 supervision practice requirements.

7 BY repealing and reenacting, with amendments,

8 Article – Health Occupations

9 Section 4–308(h)

10 Annotated Code of Maryland

11 (2005 Replacement Volume and 2006 Supplement)

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

14 **Article – Health Occupations**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 4-308.

2 (h) (1) In this subsection, “general supervision” means supervision of a
3 dental hygienist by a dentist, where the dentist may or may not be present when the
4 dental hygienist performs the dental hygiene procedures.

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

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

10 (ii) A public health department of the State or a county.

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

13 (i) The supervising dentist in the facility:

14 1. Holds an active general license to practice dentistry in
15 the State;

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

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

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

22 1. Holds an active general license to practice dental
23 hygiene in the State;

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

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

28 [(iii) Before the initial treatment of a patient by a dental
29 hygienist practicing under the general supervision of a licensed dentist, the

1 supervising dentist, the patient's dentist, or the treating physician evaluates the
2 patient's medical history and determines its impact on the patient's suitability to
3 receive oral health treatment;

4 (iv) The supervising dentist diagnoses the patient and approves
5 the treatment plan for the patient;

6 (v) The supervising dentist authorizes, on a patient by patient
7 basis, a dental hygienist to practice under the general supervision of a licensed
8 dentist;

9 (vi) A dental hygienist practicing under the general supervision
10 of a licensed dentist ascertains before treating a recall patient that there has been no
11 change in the patient's medical history;

12 (vii) A dental hygienist consults with the supervising dentist, the
13 patient's dentist, or a treating physician before proceeding with treatment if there is a
14 change in the patient's medical history;]

15 ~~[(viii)]~~ (III) The facility has a medical emergency plan; AND

16 ~~[(ix) Adequate facilities and equipment are available for the
17 delivery of dental hygiene services other than fluoride rinse programs; and]~~

18 ~~[(x)]~~ (IV) A recall patient who has been examined by a dental
19 hygienist practicing under the general supervision of a licensed dentist will be
20 scheduled for an oral examination every 6 months, or as otherwise recommended by
21 the supervising dentist.

22 (4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
23 PARAGRAPH, A FACILITY IN WHICH A DENTAL HYGIENIST IS AUTHORIZED TO
24 PRACTICE UNDER THE GENERAL SUPERVISION OF A LICENSED DENTIST SHALL
25 SATISFY THE FOLLOWING REQUIREMENTS:

26 1. BEFORE THE INITIAL TREATMENT OF A PATIENT
27 BY A DENTAL HYGIENIST PRACTICING UNDER THE GENERAL SUPERVISION OF A
28 LICENSED DENTIST, THE SUPERVISING DENTIST, THE PATIENT'S DENTIST, OR
29 THE TREATING PHYSICIAN EVALUATES THE PATIENT'S MEDICAL HISTORY AND
30 DETERMINES ITS IMPACT ON THE PATIENT'S SUITABILITY TO RECEIVE ORAL
31 HEALTH TREATMENT;

1 **2. THE SUPERVISING DENTIST DIAGNOSES THE**
2 **PATIENT AND APPROVES THE TREATMENT PLAN FOR THE PATIENT;**

3 **3. THE SUPERVISING DENTIST AUTHORIZES, ON A**
4 **PATIENT BY PATIENT BASIS, A DENTAL HYGIENIST TO PRACTICE UNDER THE**
5 **GENERAL SUPERVISION OF A LICENSED DENTIST;**

6 **4. A DENTAL HYGIENIST PRACTICING UNDER THE**
7 **GENERAL SUPERVISION OF A LICENSED DENTIST ASCERTAINS BEFORE**
8 **TREATING A RECALL PATIENT THAT THERE HAS BEEN NO CHANGE IN THE**
9 **PATIENT'S MEDICAL HISTORY;**

10 **5. A DENTAL HYGIENIST CONSULTS WITH THE**
11 **SUPERVISING DENTIST, THE PATIENT'S DENTIST, OR A TREATING PHYSICIAN**
12 **BEFORE PROCEEDING WITH TREATMENT IF THERE IS A CHANGE IN THE**
13 **PATIENT'S MEDICAL HISTORY; AND**

14 **6. ADEQUATE FACILITIES AND EQUIPMENT ARE**
15 **AVAILABLE FOR THE DELIVERY OF DENTAL HYGIENE SERVICES OTHER THAN**
16 **FLUORIDE RINSE PROGRAMS.**

17 **(II) A DENTAL HYGIENIST WHO IS AUTHORIZED TO**
18 **PRACTICE UNDER THE GENERAL SUPERVISION OF A LICENSED DENTIST MAY**
19 **APPLY FLUORIDE, MOUTH RINSE, OR VARNISH WITHOUT SATISFYING THE**
20 **REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

21 **[(4)] (5)** Before a facility operates under general supervision, the
22 facility shall report to the Board:

23 (i) That the facility is operating under general supervision; and
24 (ii) The identity of each supervising dentist and each dental
25 hygienist.

26 **[(5)] (6)** A facility operating under general supervision shall report to
27 the Board any changes in the status of the facility's general supervision, any
28 supervising dentist, or any dental hygienist within 30 days after the change.

29 **[(6)] (7)** This subsection may not be construed to:

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.