

SENATE BILL 568

J2

71r2399
CF HB 751

By: **Senator Stoltzfus**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 22, 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**

15 4–308.

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

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

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

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

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

12 (i) The supervising dentist in the facility:

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

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

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

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

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

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

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

27 [(iii) Before the initial treatment of a patient by a dental
28 hygienist practicing under the general supervision of a licensed dentist, the
29 supervising dentist, the patient’s dentist, or the treating physician evaluates the

1 patient's medical history and determines its impact on the patient's suitability to
2 receive oral health treatment;

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

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

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

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

14 [(viii)] (III) The facility has a medical emergency plan; **AND**

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

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

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

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

President of the Senate.

Speaker of the House of Delegates.