

CHAPTER 165

(House Bill 751)

AN ACT concerning

Health Occupations – Supervised Practice – Dental Hygienist

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

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–308(h)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Article – Health Occupations

4–308.

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

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

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

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

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

- (i) The supervising dentist in the facility:
 - 1. Holds an active general license to practice dentistry in the State;
 - 2. Holds a current certificate evidencing health provider level C proficiency, or its equivalent, in cardiopulmonary resuscitation; and
 - 3. Has at least 2 years of active clinical practice in direct patient care;
- (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 level C proficiency, or its equivalent, in cardiopulmonary resuscitation; and
 - 3. Has at least 2 years of active clinical practice in direct patient care;
- [(iii) Before the initial treatment of a patient by a dental hygienist practicing under the general supervision of a licensed dentist, the supervising dentist, the patient's dentist, or the treating physician evaluates the patient's medical history and determines its impact on the patient's suitability to receive oral health treatment;
- (iv) The supervising dentist diagnoses the patient and approves the treatment plan for the patient;
- (v) The supervising dentist authorizes, on a patient by patient basis, a dental hygienist to practice under the general supervision of a licensed dentist;
- (vi) A dental hygienist practicing under the general supervision of a licensed dentist ascertains before treating a recall patient that there has been no change in the patient's medical history;

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

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

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

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

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

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

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

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

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

5. A DENTAL HYGIENIST CONSULTS WITH THE SUPERVISING DENTIST, THE PATIENT'S DENTIST, OR A TREATING PHYSICIAN

BEFORE PROCEEDING WITH TREATMENT IF THERE IS A CHANGE IN THE PATIENT'S MEDICAL HISTORY; AND

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

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

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

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

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

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

- (i) Authorize a dental hygienist to practice dental hygiene independent of a supervising dentist; or
- (ii) Prohibit a dentist from being available for personal consultation or on the premises where a dental hygienist is practicing.

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

Approved by the Governor, April 24, 2007.