

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

House Bill 474 (Delegate Donoghue)  
Health and Government Operations

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**Dental Hygiene - Administration of Local Anesthesia**

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This bill expands the scope of practice for dental hygienists to include the administration of local anesthesia under the supervision of a dentist who is physically present and prescribes the administration of local anesthesia by the hygienist. A dental hygienist may administer local anesthesia by infiltration for anesthetizing soft tissue to facilitate dental hygiene procedures, but not as a medical specialty.

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**Fiscal Summary**

**State Effect:** None. The changes would not directly affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** Meaningful for licensed dental hygienists who are allowed to provide this service.

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**Analysis**

**Bill Summary:** Before a dental hygienist may administer local anesthesia, the hygienist has to successfully complete any board-established educational requirements and a board-required written and clinical exam. The educational requirements must be obtained from an accredited dental hygiene program. The board may adopt regulations governing the administration of local anesthesia by a dental hygienist; reasonable requirements for the education, training, evaluation, and examination of a dental hygienist before a dental hygienist may administer local anesthesia; and reasonable requirements for administering local anesthesia by a dental hygienist.

A dentist may establish the administration of local anesthesia as a condition of employment for a dental hygienist without facing board sanctions as a result of board disciplinary actions. However, a licensed dentist (or an applicant for dental licensure) would be subject to disciplinary action for using of any form of direct or indirect disciplinary or retaliatory action against a dental hygienist because the hygienist failed to administer local anesthesia. Similarly, the board could take disciplinary action against a licensed dental hygienist or an applicant for dental hygiene licensure for attempting, directly or indirectly, to coerce, intimidate, or compel a dentist to authorize or permit a dental hygienist to administer local anesthesia.

**Current Law:** Licensed dental hygienists currently are authorized to perform a preliminary dental examination; perform a complete prophylaxis; polish a tooth or restoration; chart cavities, restorations, missing teeth, periodontal conditions, and other features observed during those activities; apply a medicinal agent to a tooth for a prophylactic purpose; take a dental X-ray; or perform any other intraoral function the board authorizes by a rule or regulation.

The board may not authorize a licensed dental hygienist to perform a diagnosis, perform an extraction, repair a cavity, correct tooth placement, perform a surgical procedure, or administer anesthesia other than topical anesthesia.

The board may adopt regulations, including those governing a licensed dentist's administration of general anesthesia; a licensed dentist's administration of sedation; issuing a permit to a dentist who administers or has general anesthesia or sedation administered; and reasonable requirements for training and evaluating a dentist before the dentist may administer general anesthesia or sedation other than nitrous oxide administered alone and not with another method of diminishing or eliminating pain or medication used for diminishing or eliminating anxiety.

The board may take disciplinary actions against a licensed dentist, licensed dental hygienist, or applicant for licensure as a dentist or dental hygienist, for various offenses including fraudulently or deceptively using a license; providing professional services while under the influence of alcohol or using any narcotic or controlled dangerous substance, or other drug in excess of therapeutic amounts or without valid medical indication; and performing the licensed professional services in a professionally or grossly incompetent manner.

**Background:** There are 2,712 active licensed dental hygienists and 4,902 active licensed dentists in Maryland.

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### **Additional Information**

**Prior Introductions:** A similar bill, SB 608 of 2005, was amended and passed by the Senate but received an unfavorable report by the House Health and Government Operations Committee.

**Cross File:** SB 531 (Senator Dyson) – Education, Health, and Environmental Affairs.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2007  
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