

HOUSE BILL 919

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8lr2619

By: **Delegates Hubbard, Costa, Kipke, and Montgomery**

Introduced and read first time: February 6, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Dental Hygienists - Nomination Process for State Board of Dental Examiners**
3 **- Advisory Committee Composition - Practice in Private Dental Offices**

4 FOR the purpose of altering a certain number of names of dental hygienists required
5 to be on a list from which the Governor appoints certain members to the State
6 Board of Dental Examiners; altering the composition of a certain committee on
7 dental hygiene that makes certain recommendations to the Board; repealing a
8 provision requiring a certain written agreement between certain supervising
9 dentists and certain dental hygienists in certain private dental offices; altering
10 a certain number of months in which a dental hygienist may perform certain
11 dental hygiene services without a certain dentist on the premises in certain
12 private dental offices; repealing a provision that limits the number of
13 unsupervised clinical hours certain supervised dental hygienists may work in
14 certain weeks in certain private dental offices; and generally relating to dental
15 hygienists.

16 BY repealing and reenacting, with amendments,
17 Article - Health Occupations
18 Section 4-202(a), 4-205(a)(7), and 4-308(i)
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2007 Supplement)

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

23 **Article - Health Occupations**

24 4-202.

25 (a) (1) The Board consists of 16 members.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Of the 16 Board members:

2 (i) 9 shall be licensed dentists;

3 (ii) 4 shall be licensed dental hygienists; and

4 (iii) 3 shall be consumer members.

5 (3) The Governor shall appoint the dentist Board members, with the
6 advice of the Secretary, from a list of names submitted to the Governor jointly by the
7 Maryland State Dental Association and the Maryland Dental Society. The number of
8 names on the list for one vacancy shall be at least four names, for two vacancies at
9 least three names for each vacancy, and for three or more vacancies at least two
10 names for each vacancy.

11 (4) (I) The Governor shall appoint the dental hygienist Board
12 members, with the advice of the Secretary, from a list of names submitted to the
13 Governor by the Maryland Dental Hygienists' Association. [The number of names on
14 the list shall be four times the number of vacancies.]

15 (II) **THE LIST SHALL PROVIDE 2 NAMES FOR EACH**
16 **VACANCY.**

17 (5) The Governor shall appoint the consumer members with the advice
18 of the Secretary and the advice and consent of the Senate.

19 4-205.

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

21 (7) Establish committees from among its members to facilitate and
22 assist the Board in discharging its duties and responsibilities under this title by
23 evaluating, reviewing, and making recommendation to the Board on matters referred
24 to the committees by the Board. The committees established shall include, but may not
25 be limited to:

26 (i) A nominations committee;

27 (ii) A regulations committee;

28 (iii) A committee on dental hygiene composed of [3] 4 dental
29 hygienists, 1 dentist, and [1 consumer] 2 CONSUMERS to which the Board shall refer
30 all matters within the Board's jurisdiction under this title relating to or affecting the
31 practice of dental hygiene for the committee's evaluation, review, and
32 recommendation;

33 (iv) A disciplinary committee; and

1 (v) Such other committees as the Board considers appropriate.

2 4-308.

3 (i) (1) In this subsection, “private dental office” means a dental office
4 owned and operated by:

5 (i) A licensed dentist; or

6 (ii) A professional corporation, partnership, limited liability
7 company, or limited liability partnership owned and controlled by a licensed dentist.

8 (2) While it is effective, a general license to practice dental hygiene
9 issued under this title authorizes the licensee to practice dental hygiene under the
10 general supervision of a licensed dentist in a private dental office.

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

13 (i) The supervising dentist holds an active license to practice
14 dentistry in this State;

15 (ii) The dental hygienist holds an active license to practice
16 dental hygiene in this State; **AND**

17 (iii) The dental hygienist has at least 1,500 hours of dental
18 hygiene clinical practice in direct patient [care; and] **CARE**.

19 [(iv) There is a written agreement between the supervising
20 dentist and the dental hygienist practicing under general supervision that clearly sets
21 forth the terms and conditions under which the dental hygienist may practice,
22 including a statement that the dental hygienist may provide dental hygiene services
23 without the supervising dentist on the premises.]

24 (4) A dental hygienist may perform authorized dental hygiene services
25 without the supervising dentist on the premises only if:

26 (i) After the supervising dentist examines and evaluates a
27 patient, the prescribed and authorized treatment to be provided by the dental
28 hygienist is written in the patient’s records;

29 (ii) 1. Treatments authorized by a supervising dentist to be
30 provided by the dental hygienist are rendered no later than [7] **12** months from the
31 date the patient was examined and evaluated by the supervising dentist; and

1 2. Upon expiration of a prescription or prescribed
2 treatment, the supervising dentist examines and reevaluates the patient before
3 writing a new prescription and authorization for treatment;

4 (iii) Prior to an appointment, the patient or the custodial parent
5 or legal guardian of a minor or incompetent adult shall:

6 1. Be informed that a dental hygienist will be providing
7 services previously prescribed by a dentist who will not be on the premises during the
8 appointment; and

9 2. Consent to receiving the dental hygiene services;

10 (iv) Written emergency procedures are in place and the dental
11 hygienist is trained to implement the emergency procedures; **AND**

12 (v) A designated licensed dentist is available for consultation
13 with the dental [hygienist; and] **HYGIENIST.**

14 [(vi) The number of unsupervised clinical hours worked by a
15 supervised dental hygienist in any given calendar week is less than 60 percent of the
16 dental hygienist's total hours.]

17 (5) A supervising dentist may not employ more than two dental
18 hygienists to work under the dentist's general supervision at any given time.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2008.