

Department of Legislative Services

Maryland General Assembly

2008 Session

FISCAL AND POLICY NOTE

Revised

Senate Bill 818

(Senator Middleton, *et al.*)

Education, Health, and Environmental Affairs

Health and Government Operations

Public Health Dental Hygiene Act

This bill authorizes dental hygienists who are permanent or contractual employees of the federal government, a State or local government, or a federally qualified health center, and working in specified facilities, to apply fluoride and sealants under the general supervision of a licensed dentist. The bill also expands the types of facilities that such a dental hygienist may practice in under general supervision, specifies that these facilities are not required to obtain a general supervision waiver, and repeals the requirement that a dentist or physician evaluate or diagnose a patient before a dental hygienist can treat the patient in these facilities.

Fiscal Summary

State Effect: The bill would not directly affect governmental finances.

Local Effect: The bill would not directly affect governmental finances.

Small Business Effect: None.

Analysis

Bill Summary: “Contractual employee” means a dental hygienist who has an annual contract to practice dental hygiene an average of at least eight hours per week in a dental facility owned and operated by the federal, State or local government, a public health department of the State or county, and other specified facilities.

Additional facilities in which such permanent dental hygienists and contractual dental hygienists are authorized to practice without a general supervision waiver include

- public schools;
- facilities in which a program licensed by the Department of Health and Mental Hygiene is operating;
- a facility owned and operated by the State or a local government that provides medical care to the poor, elderly, or handicapped;
- a facility in which a federally qualified health center or a federally qualified health center look alike is located;
- a facility in which a State licensed Head Start Program or Early Head Start Program operates; or
- a facility owned and operated by the Department of Juvenile Services.

A facility has to report to the Board of Dental Examiners that it is operating under general supervision and reveal the identity of each supervising dentist and each dental hygienist before it can allow a dental hygienist to practice there. In addition, the facility has to have adequate equipment, including portable equipment where appropriate, and appropriate armamentarium available for the delivery of dental hygiene services, and adequate safeguards to protect the patient's health and safety.

Current Law: A general license to practice dental hygiene authorizes the licensee to practice dental hygiene under the supervision of licensed dentist who is

- on the premises and available for personal consultation while the service are being performed; or
- not on the premises while authorized dental hygiene services are provided if the facility has submitted a written request for a waiver which has been approved by the board.

A government-owned and operated dental facility or public health department in which a dental hygienist is authorized to practice under a licensed dentist's general supervision must ensure that the facility's supervising dentist and each dental hygienist

- hold an active general license to practice in Maryland;
- hold a current CPR certificate; and
- have at least two years of active clinical practice in direct patient care.

Before a dental hygienist practicing under a licensed dentist's general supervision can initially treat a patient, the supervising dentist, the patient's dentist, or the treating physician must evaluate the patient's medical history and determine its impact on the patient's suitability to receive oral health treatment. The supervising dentist must diagnose the patient and approve the patient's treatment plan and authorize, on a patient-by-patient basis, a dental hygienist to practice under the licensed dentist's general supervision.

Chapters 164 and 165 of 2007 allowed a dental hygienist who is authorized to practice under a licensed dentist's general supervision in a government-owned and operated facility or public health department to apply fluoride, mouth rinse, or varnish. The

facility in which the dental hygienist is authorized to practice does not have to first satisfy statutory requirements related to the diagnosis and treatment of the patient.

Additionally, the facility must have a medical emergency plan and must have adequate facilities and equipment available for delivering dental hygiene services other than fluoride rinse programs.

Other provisions apply to supervised practice in a private dental office.

Federal law defines “federally qualified health centers” as public or private nonprofit health care organizations that meet certain criteria under the Medicare and Medicaid programs and receive grant funding under Section 330 of the Public Health Service Act. “Federally qualified health center look-alikes” are health centers that have been certified by the Centers for Medicare and Medicaid Services as meeting the definition of “health center” under the PHS Act, although they do not receive grant funding under Section 330.

Background: In 2007, the board regulated 12,594 licensees in the Maryland, which included 2,776 dental hygienists and 4,880 dentists.

In response to concerns about a lack of access to oral health care services, the Secretary of Health and Mental Hygiene formed the Dental Action Committee in June 2007 with the charge of addressing • Medicaid financing and systems; • public health infrastructure enhancements; • education initiatives for parents, children, and providers; and • scope of practice changes. The committee presented its findings and recommendations to the House Health and Government Operations Committee in October 2007. Among its findings was that only 13 jurisdictions had dental clinical services in local health departments, and only 11 jurisdictions were served by FQHCs with dental clinics. To alleviate this access problem, the committee recommended that “public health dental hygienists” be authorized to increase preventive dental services and that the number of safety net dental clinics be increased.

Additional Information

Prior Introductions: None.

Cross File: HB 1280 (Delegate V. Turner, *et al.*) – Health and Government Operations.

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

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