

# HOUSE BILL 841

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11r2831  
CF SB 664

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By: **Delegate Kipke**

Introduced and read first time: February 11, 2011

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Dental Hygienists – Nitrous Oxide**

3 FOR the purpose of altering the definition of “practice dental hygiene” for purposes of  
4 certain provisions of law governing dental hygienists to include administering  
5 nitrous oxide and monitoring a patient to whom nitrous oxide is administered;  
6 authorizing the State Board of Dental Examiners to adopt certain regulations;  
7 altering the authority of the Board to adopt certain rules and regulations  
8 concerning the administration of certain anesthesia by certain dental  
9 hygienists; and generally relating to the practice of dental hygiene.

10 BY repealing and reenacting, with amendments,  
11 Article – Health Occupations  
12 Section 4–101(k), 4–205(a)(1), and 4–206  
13 Annotated Code of Maryland  
14 (2009 Replacement Volume and 2010 Supplement)

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

17 **Article – Health Occupations**

18 4–101.

19 (k) “Practice dental hygiene” means to:

20 (1) Perform a preliminary dental examination;

21 (2) Perform a complete prophylaxis, including the removal of any  
22 deposit, accretion, or stain from the surface of a tooth or a restoration;

23 (3) Polish a tooth or a restoration;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) Chart cavities, restorations, missing teeth, periodontal conditions,  
2 and other features observed during preliminary examination, prophylaxis, or  
3 polishing;

4 (5) Apply a medicinal agent to a tooth for a prophylactic purpose;

5 (6) Take a dental X ray;

6 (7) Perform a manual curettage in conjunction with scaling and root  
7 planing;

8 (8) Administer local anesthesia in accordance with § 4–206.1 of this  
9 title; [or]

10 **(9) ADMINISTER NITROUS OXIDE;**

11 **(10) MONITOR A PATIENT TO WHOM NITROUS OXIDE IS**  
12 **ADMINISTERED; OR**

13 **[(9)] (11)** Perform any other intraoral function that the Board  
14 authorizes by a rule or regulation adopted under § 4–206 of this title.  
15 4–205.

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

17 (1) Adopt regulations governing:

18 (i) The administration of general anesthesia by a licensed  
19 dentist;

20 (ii) The administration of sedation by a licensed dentist;

21 (iii) The use of a dental assistant by a licensed dentist in  
22 performing intraoral procedures;

23 (iv) Subject to subsection (b) of this section, the issuance of a  
24 permit to a facility not otherwise regulated where a dentist administers or has general  
25 anesthesia or sedation administered;

26 (v) Subject to subsection (b) of this section, the issuance of a  
27 permit to a dentist who administers or has general anesthesia or sedation  
28 administered;

1 (vi) Reasonable requirements for the training and evaluation of  
 2 a dentist before the dentist may administer general anesthesia or sedation other than  
 3 nitrous oxide administered alone and not in conjunction with:

- 4 1. Another method of diminishing or eliminating pain; or  
 5 2. Medication used for diminishing or eliminating  
 6 anxiety;

7 (vii) Reasonable requirements for:

8 1. The education, training, evaluation, and examination  
 9 of a dental hygienist before the dental hygienist may perform manual curettage in  
 10 conjunction with scaling and root planing; and

11 2. Performance by a dental hygienist of manual  
 12 curettage in conjunction with scaling and root planing;

13 (viii) Reasonable requirements for:

14 1. The education, training, evaluation, and examination  
 15 of a dental hygienist before the dental hygienist may administer local anesthesia  
 16 under § 4–206.1 of this subtitle; and

17 2. Administering by a dental hygienist of local  
 18 anesthesia under § 4–206.1 of this subtitle;

19 **(IX) REASONABLE REQUIREMENTS FOR:**

20 **1. THE EDUCATION, TRAINING, EVALUATION, AND**  
 21 **EXAMINATION OF A DENTAL HYGIENIST BEFORE A DENTAL HYGIENIST MAY**  
 22 **ADMINISTER NITROUS OXIDE TO A PATIENT OR MONITOR A PATIENT TO WHOM**  
 23 **NITROUS OXIDE IS BEING ADMINISTERED;**

24 **2. ADMINISTRATION OF NITROUS OXIDE BY A**  
 25 **DENTAL HYGIENIST; AND**

26 **3. MONITORING BY A DENTAL HYGIENIST OF A**  
 27 **PATIENT TO WHOM NITROUS OXIDE IS BEING ADMINISTERED;**

28 ~~[(ix)]~~ **(X)** The discipline of a holder of any facility or  
 29 administration permit for the administration of general anesthesia or sedation; and

30 ~~[(x)]~~ **(XI)** The release of patient dental records;

31 4–206.

1           (a)    Except as otherwise provided in this section, the Board may adopt rules  
2 and regulations that authorize a licensed dental hygienist to perform additional  
3 intraoral functions.

4           (b)    The Board may not authorize a licensed dental hygienist to:

5                   (1)    Perform a diagnosis;

6                   (2)    Perform an extraction;

7                   (3)    Repair a cavity;

8                   (4)    Correct tooth placement;

9                   (5)    Perform a surgical procedure; or

10                  (6)    Administer anesthesia other than the following:

11                           (i)    Topical anesthesia; [or]

12                           (ii)   Local anesthesia in accordance with § 4–206.1 of this  
13 subtitle; **OR**

14                                   **(III) NITROUS OXIDE.**

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2011.