

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 841

(Delegate Kipke, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

Health Occupations - Dental Hygienists - Nitrous Oxide

This bill authorizes dental hygienists to monitor a patient to whom nitrous oxide is administered. Monitoring must be performed under the supervision of a dentist who is physically present on the premises. Prior to monitoring of patients receiving nitrous oxide, a dental hygienist must successfully complete any educational requirements established by the State Board of Dental Examiners through an accredited dental hygiene program and pass a written and clinical examination. The board is authorized to adopt reasonable requirements for the education, training, evaluation, and examination of dental hygienists who wish to monitor nitrous oxide and the monitoring of patients receiving nitrous oxide by a dental hygienist.

The bill terminates September 30, 2014.

Fiscal Summary

State Effect: The bill does not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: A licensed dental hygienist has long been authorized to perform a preliminary dental exam; perform a complete prophylaxis, including the removal of any deposit, accretion, or stain from the tooth surface or restoration; polish a tooth or restoration; chart cavities, restorations, missing teeth, periodontal conditions, and other features observed; apply a medicinal agent to a tooth for a prophylactic purpose; take a

dental X-ray; or perform any other intraoral function authorized by the State Board of Dental Examiners. Chapters 565 and 566 of 2009 expanded the scope of practice for a dental hygienist by adding two functions that a dental hygienist can now also perform: manual curettage in conjunction with scaling and root planing and administering local anesthesia by local infiltration.

In order to be recognized by the board to administer local anesthesia by infiltration, a dental hygienist must:

- have successfully completed at least a 28-hour board-approved course of instruction, including 20 hours of didactic training and 8 hours of clinical training, at a school of dental hygiene;
- pass a course examination with a passing grade of at least 75% in both the written and clinical portions of the examination;
- pass the North East Regional Board Local Anesthesia Examination for Dental Hygienists; and
- pay a one-time fee to the board.

Regulations require a dentist and a dental hygienist to maintain cardiopulmonary resuscitation (CPR) certification from either the American Heart Association's basic life support for health care providers, the American Red Cross's CPR for the professional rescuer, or an equivalent program approved by the board.

Background: Nitrous oxide sedation is the calming of a nervous or apprehensive individual without loss of consciousness through the use of systemic, inhalation of nitrous oxide gas. According to the American Dental Hygienists' Association, as of February 2011, 29 states allow dental hygienists to *administer* nitrous oxide.

In fiscal 2010, the State Board of Dental Examiners regulated 3,322 dental hygienists.

Additional Information

Prior Introductions: As introduced, SB 602/HB 576 of 2009 would have authorized dental hygienists to monitor patients to whom nitrous oxide is administered. However, these bills were enacted as Chapters 565 and 566 of 2009 without these provisions, which were amended from the bills by the Senate Education, Health, and Environmental Affairs and the House Health and Government Operations committees, respectively.

Cross File: SB 664 (Senator Middleton) - Education, Health, and Environmental Affairs.

Information Source(s): American Dental Hygienists' Association, Department of Health and Mental Hygiene, Department of Legislative Services

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mc/ljm Revised - House Third Reader - March 31, 2011
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