

HOUSE BILL 172

J2

2lr1949
CF 2lr1093

By: **Delegate Kipke**

Introduced and read first time: January 25, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Dental Hygienists – Local Anesthesia**

3 FOR the purpose of authorizing a dental hygienist to administer certain local
4 anesthesia by inferior alveolar nerve block under certain circumstances;
5 requiring a dental hygienist to complete certain education and examination
6 requirements before performing certain functions; requiring a dental hygienist
7 to obtain certain education from an accredited dental hygiene program;
8 requiring a dental hygienist who completed certain requirements before a
9 certain date to take and complete a certain course and clinical examination;
10 authorizing the State Board of Dental Examiners to adopt certain regulations;
11 altering a certain definition; and generally relating to the administration of
12 local anesthesia by dental hygienists.

13 BY repealing and reenacting, without amendments,
14 Article – Health Occupations
15 Section 4–101(a)
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2011 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Health Occupations
20 Section 4–101(k) and 4–205(a)(1)
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2011 Supplement)

23 BY adding to
24 Article – Health Occupations
25 Section 4–206.3
26 Annotated Code of Maryland
27 (2009 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Health Occupations**

4 4–101.

5 (a) In this title the following words have the meanings indicated.

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

7 (1) Perform a preliminary dental examination;

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

10 (3) Polish a tooth or a restoration;

11 (4) Chart cavities, restorations, missing teeth, periodontal conditions,
12 and other features observed during preliminary examination, prophylaxis, or
13 polishing;

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

15 (6) Take a dental X ray;

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

18 (8) Administer local anesthesia in accordance with § 4–206.1 **OR §**
19 **4–206.3** of this title;

20 (9) Monitor, in accordance with § 4–206.2 of this title, a patient to
21 whom nitrous oxide is administered; or

22 (10) Perform any other intraoral function that the Board authorizes by
23 a rule or regulation adopted under § 4–206 of this title.

24 4–205.

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

26 (1) Adopt regulations governing:

27 (i) The administration of general anesthesia by a licensed
28 dentist;

- 1 (ii) The administration of sedation by a licensed dentist;
- 2 (iii) The use of a dental assistant by a licensed dentist in
3 performing intraoral procedures;
- 4 (iv) Subject to subsection (b) of this section, the issuance of a
5 permit to a facility not otherwise regulated where a dentist administers or has general
6 anesthesia or sedation administered;
- 7 (v) Subject to subsection (b) of this section, the issuance of a
8 permit to a dentist who administers or has general anesthesia or sedation
9 administered;
- 10 (vi) Reasonable requirements for the training and evaluation of
11 a dentist before the dentist may administer general anesthesia or sedation other than
12 nitrous oxide administered alone and not in conjunction with:
- 13 1. Another method of diminishing or eliminating pain; or
14 2. Medication used for diminishing or eliminating
15 anxiety;
- 16 (vii) Reasonable requirements for:
- 17 1. The education, training, evaluation, and examination
18 of a dental hygienist before the dental hygienist may perform manual curettage in
19 conjunction with scaling and root planing; and
- 20 2. Performance by a dental hygienist of manual
21 curettage in conjunction with scaling and root planing;
- 22 (viii) Reasonable requirements for:
- 23 1. The education, training, evaluation, and examination
24 of a dental hygienist before the dental hygienist may administer local anesthesia
25 under § 4–206.1 of this subtitle; and
- 26 2. Administering by a dental hygienist of local
27 anesthesia under § 4–206.1 of this subtitle;
- 28 (ix) Reasonable requirements for:
- 29 1. The education, training, evaluation, and examination
30 of a dental hygienist before a dental hygienist may monitor a patient to whom nitrous
31 oxide is being administered, subject to § 4–206.2 of this subtitle; and

1 2. Monitoring by a dental hygienist, in accordance with §
2 4–206.2 of this subtitle, of a patient to whom nitrous oxide is being administered;

3 **(X) REASONABLE REQUIREMENTS FOR THE EDUCATION,**
4 **TRAINING, EVALUATION, AND EXAMINATION OF A DENTAL HYGIENIST BEFORE A**
5 **DENTAL HYGIENIST MAY ADMINISTER LOCAL ANESTHESIA BY INFERIOR**
6 **ALVEOLAR NERVE BLOCK UNDER § 4–206.3 OF THIS SUBTITLE;**

7 ~~[(x)]~~ **(XI)** The discipline of a holder of any facility or
8 administration permit for the administration of general anesthesia or sedation; and

9 ~~[(xi)]~~ **(XII)** The release of patient dental records;

10 **4–206.3.**

11 **(A) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS**
12 **SECTION, A DENTAL HYGIENIST MAY ADMINISTER LOCAL ANESTHESIA BY**
13 **INFERIOR ALVEOLAR NERVE BLOCK FOR THE PURPOSE OF ANESTHETIZING**
14 **SOFT TISSUE TO FACILITATE THE PERFORMANCE OF DENTAL HYGIENE**
15 **PROCEDURES, BUT NOT AS A MEDICAL SPECIALTY, PROVIDED THE**
16 **ADMINISTRATION OF THE LOCAL ANESTHESIA IS UNDER THE SUPERVISION OF A**
17 **DENTIST WHO:**

18 **(1) IS PHYSICALLY PRESENT ON THE PREMISES; AND**

19 **(2) PRESCRIBES THE ADMINISTRATION OF LOCAL ANESTHESIA**
20 **BY THE DENTAL HYGIENIST.**

21 **(B) (1) BEFORE A DENTAL HYGIENIST MAY ADMINISTER LOCAL**
22 **ANESTHESIA UNDER SUBSECTION (A) OF THIS SECTION, THE DENTAL HYGIENIST**
23 **SHALL SUCCESSFULLY COMPLETE THE FOLLOWING:**

24 **(I) ANY EDUCATIONAL REQUIREMENTS ESTABLISHED BY**
25 **THE BOARD; AND**

26 **(II) A WRITTEN AND CLINICAL EXAMINATION AS REQUIRED**
27 **BY THE BOARD.**

28 **(2) A DENTAL HYGIENIST SHALL OBTAIN THE EDUCATION**
29 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION FROM AN ACCREDITED**
30 **DENTAL HYGIENE PROGRAM.**

31 **(3) A DENTAL HYGIENIST WHO SUCCESSFULLY COMPLETED THE**
32 **EDUCATION REQUIREMENTS AND EXAMINATION REQUIRED UNDER PARAGRAPH**

1 **(1) OF THIS SUBSECTION BEFORE OCTOBER 1, 2011, SHALL TAKE AND**
2 **SUCCESSFULLY COMPLETE A REFRESHER COURSE AND A CLINICAL**
3 **EXAMINATION FROM AN ACCREDITED DENTAL HYGIENE PROGRAM.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2012.