

SENATE BILL 344

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2lr1093
CF HB 172

By: ~~Senator Middleton~~ **Senators Middleton and Simonaire**

Introduced and read first time: January 30, 2012

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 29, 2012

CHAPTER _____

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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Health Occupations
3 Section 4–206.3
4 Annotated Code of Maryland
5 (2009 Replacement Volume and 2011 Supplement)

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

8 **Article – Health Occupations**

9 4–101.

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

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

12 (1) Perform a preliminary dental examination;

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

15 (3) Polish a tooth or a restoration;

16 (4) Chart cavities, restorations, missing teeth, periodontal conditions,
17 and other features observed during preliminary examination, prophylaxis, or
18 polishing;

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

20 (6) Take a dental X ray;

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

23 (8) Administer local anesthesia in accordance with § 4–206.1 **OR §**
24 **4–206.3** of this title;

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

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

29 4–205.

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

(1) Adopt regulations governing:

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

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

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

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

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

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

1. Another method of diminishing or eliminating pain; or
2. Medication used for diminishing or eliminating anxiety;

(vii) Reasonable requirements for:

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

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

(viii) Reasonable requirements for:

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

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

(ix) Reasonable requirements for:

1 1. The education, training, evaluation, and examination
2 of a dental hygienist before a dental hygienist may monitor a patient to whom nitrous
3 oxide is being administered, subject to § 4–206.2 of this subtitle; and

4 2. Monitoring by a dental hygienist, in accordance with §
5 4–206.2 of this subtitle, of a patient to whom nitrous oxide is being administered;

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

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

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

13 **4–206.3.**

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

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

22 **(2) PRESCRIBES THE ADMINISTRATION OF LOCAL ANESTHESIA**
23 **BY THE DENTAL HYGIENIST.**

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

27 **(I) ANY EDUCATIONAL REQUIREMENTS ESTABLISHED BY**
28 **THE BOARD; AND**

29 **(II) A WRITTEN AND CLINICAL EXAMINATION AS REQUIRED**
30 **BY THE BOARD.**

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

4 **(3) A DENTAL HYGIENIST WHO SUCCESSFULLY COMPLETED THE**
5 **EDUCATION REQUIREMENTS AND EXAMINATION REQUIRED UNDER PARAGRAPH**
6 **(1) OF THIS SUBSECTION BEFORE OCTOBER 1, 2011, SHALL TAKE AND**
7 **SUCCESSFULLY COMPLETE A REFRESHER COURSE AND A CLINICAL**
8 **EXAMINATION FROM AN ACCREDITED DENTAL HYGIENE PROGRAM.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.