

HOUSE BILL 100

J2, J3

4lr0697

(PRE-FILED)

By: **Delegate Kipke**

Requested: October 22, 2013

Introduced and read first time: January 8, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Dental Hygienists – Practice in Long-Term Care Facilities – Repeal of**
3 **Termination Date**

4 FOR the purpose of repealing the termination date of certain provisions of law relating
5 to the authority of a dental hygienist to practice dental hygiene under general
6 supervision in a long-term care facility; and generally relating to the practice of
7 dental hygiene.

8 BY repealing and reenacting, without amendments,
9 Article – Health Occupations
10 Section 4-308(m)
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2013 Supplement)

13 BY repealing and reenacting, with amendments,
14 Chapter 733 of the Acts of the General Assembly of 2010
15 Section 3

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

18 **Article – Health Occupations**

19 4-308.

20 (m) (1) (i) In this subsection the following words have the meanings
21 indicated.

22 (ii) “Assisted living program” has the meaning stated in §
23 19-1801 of the Health – General Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) “General supervision” means supervision of a dental
2 hygienist by a dentist, where the dentist may or may not be present when the dental
3 hygienist performs the dental hygiene procedures.

4 (iv) “Long-term care facility” means:

- 5 1. A nursing home; or
- 6 2. An assisted living program.

7 (v) “Nursing home” has the meaning stated in § 19-1401 of the
8 Health – General Article.

9 (2) (i) While it is effective, a general license to practice dental
10 hygiene issued under this title authorizes the licensee to practice dental hygiene under
11 the general supervision of a licensed dentist in a long-term care facility in accordance
12 with this subsection.

13 (ii) This subsection may not be construed to:

- 14 1. Authorize a dental hygienist to practice dental
15 hygiene independent of a supervising dentist;
- 16 2. Prohibit a dentist from being available for personal
17 consultation or on the premises where a dental hygienist is practicing;
- 18 3. Prohibit a dental hygienist, without the supervision of
19 a dentist, from performing a preliminary dental examination with subsequent referral
20 to a dentist; or
- 21 4. Require a waiver under subsection (f) of this section.

22 (3) Before a dental hygienist is authorized to practice dental hygiene
23 under general supervision in a long-term care facility in accordance with this
24 subsection, the dental hygienist shall:

- 25 (i) Hold an active license to practice dental hygiene in the
26 State;
- 27 (ii) Hold a current certificate evidencing health provider level C
28 proficiency, or its equivalent, in cardiopulmonary resuscitation;
- 29 (iii) Have at least 2 years of active clinical practice in direct
30 patient care; and

1 (iv) Ensure that the long-term care facility where the dental
2 hygienist will practice under general supervision has:

- 3 1. A written medical emergency plan in place;
- 4 2. Adequate equipment, including portable equipment
5 and appropriate armamentarium, available for the appropriate delivery of dental
6 hygiene services; and
- 7 3. Adequate safeguards to protect the patient's health
8 and safety.

9 (4) Before a dental hygienist is authorized to practice dental hygiene
10 under general supervision in a long-term care facility in accordance with this
11 subsection, the supervising dentist shall:

- 12 (i) Hold an active general license to practice dentistry in the
13 State;
- 14 (ii) Hold a current certificate evidencing health provider level C
15 proficiency, or its equivalent, in cardiopulmonary resuscitation; and
- 16 (iii) Have at least 2 years of active clinical practice in direct
17 patient care.

18 (5) A dental hygienist practicing under the general supervision of a
19 licensed dentist in a long-term care facility and performing an authorized dental
20 hygiene service for a patient's initial appointment shall:

- 21 (i) Have a written agreement between the supervising dentist
22 and the dental hygienist that clearly sets forth the terms and conditions under which
23 the dental hygienist may practice, including a statement that the dental hygienist
24 may provide dental hygiene services without the supervising dentist on the premises;
- 25 (ii) Ensure that the supervising dentist is available for
26 consultation with the dental hygienist:
 - 27 1. In person;
 - 28 2. By telephone; or
 - 29 3. Electronically;

30 (iii) Consult with the supervising dentist or a treating physician
31 before proceeding with initial treatment if there is a change in a recall patient's
32 medical history;

1 (iv) Assess the appropriate recall interval based on the
2 individual needs of the patient, or as otherwise recommended by the supervising
3 dentist;

4 (v) Limit dental hygiene tasks and procedures to:

5 1. Toothbrush prophylaxis;

6 2. Application of fluoride;

7 3. Dental hygiene instruction;

8 4. Assessment of the patient's apparent need for further
9 evaluation by a dentist in order to diagnose the presence of dental disease; and

10 5. Other duties as may be delegated, verbally or in
11 writing, by the supervising dentist; and

12 (vi) Submit findings of the initial assessment to the supervising
13 dentist for a determination of future treatment.

14 (6) A dental hygienist may perform subsequent authorized dental
15 hygiene services without the supervising dentist on the premises only if:

16 (i) The supervising dentist examines the patient and authorizes
17 in the patient's record a prescription of specific treatment to be provided by the dental
18 hygienist;

19 (ii) An authorized treatment is provided by the dental hygienist
20 as soon as possible, but no later than 7 months from the date the patient was
21 examined by the supervising dentist; and

22 (iii) Upon expiration of a prescribed treatment, the supervising
23 dentist is responsible for determining future protocols for the treatment of the patient.

24 **Chapter 733 of the Acts of 2010**

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 2010. [It shall remain effective for a period of 4 years and, at the end of June
27 30, 2014, with no further action required by the General Assembly, this Act shall be
28 abrogated and of no further force and effect.]

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 June 1, 2014.