

Chapter 381

(House Bill 100)

AN ACT concerning

Dental Hygienists – Practice in Long–Term Care Facilities – Repeal of Termination Date

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

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

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

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

Article – Health Occupations

4–308.

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

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

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

(iv) “Long–term care facility” means:

1. A nursing home; or

2. An assisted living program.

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

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

(ii) This subsection may not be construed to:

1. Authorize a dental hygienist to practice dental hygiene independent of a supervising dentist;

2. Prohibit a dentist from being available for personal consultation or on the premises where a dental hygienist is practicing;

3. Prohibit a dental hygienist, without the supervision of a dentist, from performing a preliminary dental examination with subsequent referral to a dentist; or

4. Require a waiver under subsection (f) of this section.

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

(i) Hold an active license to practice dental hygiene in the State;

(ii) Hold a current certificate evidencing health provider level C proficiency, or its equivalent, in cardiopulmonary resuscitation;

(iii) Have at least 2 years of active clinical practice in direct patient care; and

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

1. A written medical emergency plan in place;

2. Adequate equipment, including portable equipment and appropriate armamentarium, available for the appropriate delivery of dental hygiene services; and

3. Adequate safeguards to protect the patient's health and safety.

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

(i) Hold an active general license to practice dentistry in the State;

(ii) Hold a current certificate evidencing health provider level C proficiency, or its equivalent, in cardiopulmonary resuscitation; and

(iii) Have at least 2 years of active clinical practice in direct patient care.

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

(i) Have a written agreement between the supervising dentist and the dental hygienist that clearly sets forth the terms and conditions under which the dental hygienist may practice, including a statement that the dental hygienist may provide dental hygiene services without the supervising dentist on the premises;

(ii) Ensure that the supervising dentist is available for consultation with the dental hygienist:

1. In person;
2. By telephone; or
3. Electronically;

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

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

(v) Limit dental hygiene tasks and procedures to:

1. Toothbrush prophylaxis;

2. Application of fluoride;
 3. Dental hygiene instruction;
 4. Assessment of the patient's apparent need for further evaluation by a dentist in order to diagnose the presence of dental disease; and
 5. Other duties as may be delegated, verbally or in writing, by the supervising dentist; and
- (vi) Submit findings of the initial assessment to the supervising dentist for a determination of future treatment.

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

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

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

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

Chapter 733 of the Acts of 2010

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

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

Approved by the Governor, May 5, 2014.