

# SENATE BILL 460

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CF HB 680

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By: **Senator Conway**

Introduced and read first time: February 3, 2016

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 26, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

3 FOR the purpose of altering the circumstances under which a dental hygienist may  
4 administer local anesthesia by infiltration or inferior nerve block; and generally  
5 relating to the administration of local anesthesia by dental hygienists.

6 BY repealing and reenacting, without amendments,  
7 Article – Health Occupations  
8 Section 4–101(a), (k), and (l)  
9 Annotated Code of Maryland  
10 (2014 Replacement Volume and 2015 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article – Health Occupations  
13 Section 4–206.1 and 4–206.3  
14 Annotated Code of Maryland  
15 (2014 Replacement Volume and 2015 Supplement)

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

18 **Article – Health Occupations**

19 4–101.

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

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

3 (1) Perform a preliminary dental examination;

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

6 (3) Polish a tooth or a restoration;

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

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

10 (6) Take a dental X ray;

11 (7) Perform a manual curettage in conjunction with scaling and root  
12 planning;

13 (8) Administer local anesthesia in accordance with § 4–206.1 or § 4–206.3  
14 of this title;

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

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

19 (l) “Practice dentistry” means to:

20 (1) Be a manager, a proprietor, or a conductor of or an operator in any place  
21 in which a dental service or dental operation is performed intraorally;

22 (2) Perform or attempt to perform any intraoral dental service or intraoral  
23 dental operation;

24 (3) Diagnose, treat, or attempt to diagnose or treat any disease, injury,  
25 malocclusion, or malposition of a tooth, gum, or jaw, or structures associated with a tooth,  
26 gum, or jaw if the service, operation, or procedure is included in the curricula of an  
27 accredited dental school or in an approved dental residency program of an accredited  
28 hospital or teaching institution;

29 (4) Perform or offer to perform dental laboratory work;

30 (5) Place or adjust a dental appliance in a human mouth; or

1 (6) Administer anesthesia for the purposes of dentistry and not as a  
2 medical specialty.

3 4-206.1.

4 (a) Subject to the requirements of subsections (b) and (c) of this section, a dental  
5 hygienist may administer local anesthesia by infiltration [for the purpose of anesthetizing  
6 soft tissue] to facilitate the [performance] **PRACTICE** of dental hygiene [procedures] **BY A**  
7 **DENTAL HYGIENIST OR THE PRACTICE OF DENTISTRY BY A DENTIST**, but not as a  
8 medical specialty, provided the administration of local anesthesia is under the supervision  
9 of a dentist who:

10 (1) Is physically present on the premises; and

11 (2) Prescribes the administration of local anesthesia by the dental  
12 hygienist.

13 (b) Before a dental hygienist may administer local anesthesia under subsection  
14 (a) of this section, the dental hygienist shall successfully complete the following:

15 (1) Any educational requirements established by the Board; and

16 (2) A written and clinical examination as required by the Board.

17 (c) A dental hygienist shall obtain the educational requirements established by  
18 the Board under subsection (b)(1) of this section from an accredited dental hygiene  
19 program.

20 4-206.3.

21 (a) Subject to the requirements of subsection (b) of this section, a dental hygienist  
22 may administer local anesthesia by inferior alveolar nerve block [for the purpose of  
23 anesthetizing soft tissue] to facilitate the [performance] **PRACTICE** of dental hygiene  
24 [procedures] **BY A DENTAL HYGIENIST OR THE PRACTICE OF DENTISTRY BY A**  
25 **DENTIST**, but not as a medical specialty, provided the administration of the local  
26 anesthesia is under the supervision of a dentist who:

27 (1) Is physically present on the premises; and

28 (2) Prescribes the administration of local anesthesia by the dental  
29 hygienist.

30 (b) (1) Before a dental hygienist may administer local anesthesia under  
31 subsection (a) of this section, the dental hygienist shall successfully complete the following:

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1 (i) Any educational requirements established by the Board; and

2 (ii) A written and clinical examination as required by the Board.

3 (2) A dental hygienist shall obtain the education required under paragraph  
4 (1) of this subsection from an accredited dental hygiene program.

5 (3) A dental hygienist who successfully completed the education  
6 requirements and examination required under paragraph (1) of this subsection before  
7 October 1, 2011, shall take and 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, 2016.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.