

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
Third Reader

Senate Bill 460

(Senator Conway)

Education, Health, and Environmental Affairs

Health and Government Operations

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Health Occupations - Dental Hygienists - Local Anesthesia

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This bill expands the scope of practice for dental hygienists by authorizing dental hygienists to administer local anesthesia to facilitate the general practice of dental hygiene by a dental hygienist or the practice of dentistry by a dentist, rather than only for specified procedures.

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Fiscal Summary

**State Effect:** The bill's changes are not expected to materially affect State finances or operations.

**Local Effect:** None.

**Small Business Effect:** Minimal. Dental hygienists in dental practices may administer local anesthesia for more procedures under the supervision of a dentist.

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Analysis

**Bill Summary/Current Law:** Under existing law, a dental hygienist may administer local anesthesia by infiltration or by inferior alveolar nerve block *for the purpose of anesthetizing soft tissue to facilitate the performance of dental hygiene procedures*, but not as a medical specialty, if the administration is under the supervision of a dentist who is physically present on the premises and prescribes the administration of local anesthesia by the dental hygienist.

The bill authorizes dental hygienists to administer local anesthesia by infiltration or by inferior alveolar nerve block *to facilitate the practice of dental hygiene by a dental*

*hygienist or the practice of dentistry by a dentist.* However, local anesthesia may still not be administered as a medical specialty. Additionally, the dental hygienist's administration of local anesthesia must still be under the supervision of a dentist who is physically present on the premises and prescribes the administration of local anesthesia by the dental hygienist.

The Office of Oral Health in the Prevention and Health Promotion Administration advises that, under existing law, dental hygienists may only administer local anesthesia for the purpose of anesthetizing soft tissue in the performance of dental hygiene procedures for periodontal disease therapy; conversely, the bill authorizes dental hygienists to administer local anesthesia to all patients for all procedures in the practice of either dental hygiene or dentistry.

**Background:** A licensed dental hygienist has long been authorized to perform a preliminary dental exam; perform a complete prophylaxis, including the removal of any deposit, accretion, or stain from the tooth surface or restoration; polish a tooth or restoration; chart cavities, restorations, missing teeth, periodontal conditions, and other features observed; apply a medicinal agent to a tooth for a prophylactic purpose; take a dental X-ray; or perform any other intraoral function authorized by the State Board of Dental Examiners.

Historically, a dental hygienist in Maryland has practiced under the indirect supervision of a dentist, which means the dentist authorizes the procedure and remains in the office while it is being performed. To more efficiently serve patients and promote proper preventive oral health care, dentistry practices in Maryland have trended toward permitting hygienists to work under less restrictive supervisory requirements. For example:

- Chapters 164 and 165 of 2007 allowed a dental hygienist who is authorized to practice under a licensed dentist's general supervision in a government-owned and -operated facility or public health department to apply fluoride, mouth rinse, or varnish.
- Chapter 316 of 2008 authorized a dental hygienist who is a permanent or contractual employee of the federal government, a State or local government, or a federally qualified health center and working in specified facilities to apply fluoride and sealants under the general supervision of a licensed dentist. Chapter 316 also expanded the types of facilities in which a dental hygienist may practice under general supervision, specified that these facilities are not required to obtain a general supervision waiver, and repealed the requirement that a dentist or physician evaluate or diagnose a patient before a dental hygienist can treat the patient in these facilities.
- Chapters 565 and 566 of 2009 expanded the scope of practice for a dental hygienist by allowing a dental hygienist to perform manual curettage in conjunction with scaling and root planing and to administer local anesthesia.

- Chapter 733 of 2010 authorized a dental hygienist to practice in a long-term care facility under the general supervision of a dentist. Chapter 381 of 2014 made these provisions permanent.
- Chapters 271 and 272 of 2011 allowed a dental hygienist to monitor a patient to whom nitrous oxide is being administered. Chapter 382 of 2014 made these provisions permanent.
- Chapter 220 of 2012 allowed dental hygienists to administer local anesthesia by inferior alveolar nerve block.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 680 (Delegate Kipke) - Health and Government Operations.

**Information Source(s):** Maryland Association of County Health Officers, Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - February 15, 2016  
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