

HOUSE BILL 727

J2, J1

7lr2204
CF 7lr3413

By: **Delegate Kipke**

Introduced and read first time: February 2, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Dental Hygienist – Scope of Practice – Authority to Practice Under General**
3 **Supervision of Licensed Dentist**

4 FOR the purpose of altering a certain provision of law to provide that a general license to
5 practice dental hygiene authorizes the licensee to practice dental hygiene under the
6 general supervision of a licensed dentist in certain facilities with dentally
7 underserved populations, rather than only in a long-term care facility; altering the
8 requirements that a dental hygienist is required to meet before being authorized to
9 practice dental hygiene under the general supervision of a licensed dentist in certain
10 facilities; altering the requirements that must be met by a dental hygienist who is
11 practicing under the general supervision of a licensed dentist in certain facilities and
12 performing a certain dental hygiene service; making conforming changes; defining
13 certain terms; repealing a certain definition; and generally relating to the authority
14 of dental hygienists to practice under the general supervision of licensed dentists.

15 BY repealing and reenacting, with amendments,
16 Article – Health Occupations
17 Section 4–308(m)
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2016 Supplement)

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

22 **Article – Health Occupations**

23 4–308.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (iii) **"DENTALLY UNDERSERVED POPULATION" MEANS A GROUP**
4 **OF INDIVIDUALS:**

5 1. **WHOSE ANNUAL HOUSEHOLD INCOME IS AT OR**
6 **BELOW 150% OF THE POVERTY LEVEL; AND**

7 2. **WHO DO NOT HAVE DENTAL INSURANCE.**

8 (iv) **"FACILITY" MEANS:**

9 1. **A NURSING HOME WITH A DENTALLY UNDERSERVED**
10 **POPULATION;**

11 2. **AN ASSISTED LIVING FACILITY WITH A DENTALLY**
12 **UNDERSERVED POPULATION; OR**

13 3. **AN ENTITY WITH A DENTALLY UNDERSERVED**
14 **POPULATION THAT IS OPERATED BY:**

15 A. **A FEDERAL, STATE, OR MUNICIPAL GOVERNMENT**
16 **AGENCY; OR**

17 B. **A BONA FIDE CHARITABLE ORGANIZATION.**

18 [(iii)] (v) "General supervision" means supervision of a dental
19 hygienist by a dentist, where the dentist may or may not be present when the dental
20 hygienist performs the dental hygiene procedures.

21 [(iv)] "Long-term care facility" means:

22 1. A nursing home; or

23 2. An assisted living program.]

24 [(v)] (vi) "Nursing home" has the meaning stated in § 19–1401 of
25 the Health – General Article.

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

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

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

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

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

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

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

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

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

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

18 (iv) Ensure that the [long-term care] facility where the dental
19 hygienist will practice under general supervision has:

20 1. A written medical emergency plan in place;

21 2. [Adequate] **UNLESS THE DENTAL HYGIENIST IS**
22 **PROVIDING THE EQUIPMENT, ADEQUATE** equipment, including portable equipment and
23 appropriate armamentarium, available for the appropriate delivery of dental hygiene
24 services; and

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

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

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

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

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

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

6 (I) ASSESS WITH THE SUPERVISING DENTIST THE
7 APPROPRIATE RECALL INTERVAL BASED ON THE INDIVIDUAL NEEDS OF THE
8 PATIENT;

9 (II) LIMIT SERVICES TO THE PREVENTIVE SERVICES
10 AUTHORIZED UNDER THE SCOPE OF PRACTICE OF A LICENSED DENTAL HYGIENIST
11 THAT DO NOT REQUIRE A LICENSED DENTIST TO BE ON THE PREMISES WHEN THE
12 SERVICES ARE PERFORMED;

13 (III) REPORT PATIENT CLINICAL FINDINGS TO THE
14 SUPERVISING DENTIST AND, WITH THE SUPERVISING DENTIST, DETERMINE
15 WHETHER THE PATIENT SHOULD BE REFERRED FOR A FOLLOW-UP EXAMINATION
16 OR CARE BY THE SUPERVISING DENTIST;

17 (IV) SUBMIT TO THE DEPARTMENT:

18 1. AN OVERVIEW THAT INCLUDES:

19 A. THE METHOD BY WHICH THE SERVICES ARE TO BE
20 PROVIDED; AND

21 B. THE PROCEDURES TO BE USED BY THE SUPERVISING
22 DENTIST TO OVERSEE AND DIRECT THE DENTAL HYGIENIST;

23 2. THE NAME OF THE FACILITY AT WHICH THE SERVICES
24 ARE TO BE PROVIDED; AND

25 3. THE NAMES AND LICENSE NUMBERS OF THE
26 SUPERVISING DENTIST AND THE DENTAL HYGIENIST;

27 [(i)] (V) Have ON FILE WITH THE BOARD a written agreement
28 between the supervising dentist and the dental hygienist that [clearly]:

29 1. CLEARLY sets forth the terms and conditions under which
30 the dental hygienist may practice, including a statement that the dental hygienist may
31 provide dental hygiene services without the supervising dentist on the premises UNLESS

1 THIS TITLE REQUIRES THAT A LICENSED DENTIST BE ON THE PREMISES IN ORDER
2 FOR THE SERVICE TO BE PERFORMED BY THE DENTAL HYGIENIST; AND

3 2. INCLUDES THE INFORMATION REQUIRED TO BE
4 PROVIDED TO THE DEPARTMENT UNDER ITEM (IV) OF THIS PARAGRAPH;

5 [(ii)] (VI) Ensure that, WHILE THE DENTAL HYGIENIST IS
6 PERFORMING THE SERVICE, the supervising dentist is available for consultation with the
7 dental hygienist:

- 8 1. In person;
- 9 2. By telephone; or
- 10 3. Electronically;

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

14 (VII) ENSURE THAT THE SUPERVISING DENTIST IS AVAILABLE ON
15 A REGULARLY SCHEDULED BASIS TO:

- 16 1. REVIEW THE PRACTICE OF THE DENTAL HYGIENIST;
- 17 2. PROVIDE CONSULTATION TO THE DENTAL
18 HYGIENIST;
- 19 3. REVIEW PATIENT RECORDS OF THE DENTAL
20 HYGIENIST; AND
- 21 4. IF NECESSARY, RECOMMEND THAT THE DENTAL
22 HYGIENIST TAKE ADDITIONAL CONTINUING EDUCATION CREDITS TO AID IN THE
23 DENTAL HYGIENIST'S PERFORMANCE OF DUTIES;

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

26 [(v)] (IX) Limit PREVENTIVE dental hygiene tasks and procedures
27 to[:

- 28 1. Toothbrush prophylaxis;
- 29 2. Application of fluoride;

1 3. Dental hygiene instruction;

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

4 5. Other] **THOSE** duties as may be delegated, verbally or in
5 writing, by the supervising dentist; and

6 [(vi)] **(X)** Submit findings of [the] **AN** initial assessment to the
7 supervising dentist for a **COLLABORATIVE** determination of future treatment **BASED ON**
8 **THE PATIENT'S OVERALL HEALTH STATUS.**

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

11 (i) The supervising dentist [examines]:

12 1. **EXAMINES** the [patient and authorizes] **PATIENT'S**
13 **CHARTS AND OTHER DENTAL RECORDS;**

14 2. **AUTHORIZES** in the patient's record a prescription of
15 specific treatment to be provided by the dental hygienist; **AND**

16 3. **EXAMINES THE PATIENT AT LEAST ONCE EVERY 12**
17 **MONTHS;**

18 (ii) An authorized treatment is provided by the dental hygienist as
19 soon as possible, but no later than [7] **12** months from the date the [patient was examined]
20 **PATIENT'S CHARTS AND OTHER DENTAL RECORDS WERE REVIEWED** by the
21 supervising dentist; and

22 (iii) Upon [expiration] **COMPLETION** of [a] **THE** prescribed
23 treatment, the supervising dentist [is responsible for determining] **AND THE DENTAL**
24 **HYGIENIST JOINTLY DETERMINE** future protocols for the treatment of the patient.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2017.