

# HOUSE BILL 738

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By: **Delegate Kipke**

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations

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## 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, rather than only in a  
7 long-term care facility; altering the requirements that a dental hygienist is required  
8 to meet before being authorized to practice dental hygiene under the general  
9 supervision of a licensed dentist in certain facilities; altering the requirements that  
10 must be met by a dental hygienist who is practicing under the general supervision  
11 of a licensed dentist in certain facilities and performing a certain dental hygiene  
12 service; making conforming changes; defining a certain term; repealing a certain  
13 definition; and generally relating to the authority of dental hygienists to practice  
14 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 2018 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.

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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) **“FACILITY” MEANS:**

4 1. **A NURSING HOME;**

5 2. **AN ASSISTED LIVING PROGRAM;**

6 3. **MEDICAL OFFICES;**

7 4. **A GROUP HOME OR ADULT DAY CARE CENTER; OR**

8 5. **A FACILITY THAT IS OPERATED BY:**

9 A. **A FEDERAL, STATE, OR MUNICIPAL GOVERNMENT**  
10 **AGENCY; OR**

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

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

15 [(iv)] “Long–term care facility” means:

16 1. A nursing home; or

17 2. An assisted living program.]

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

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

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

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

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

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

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

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

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

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

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

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

15                                   1.     A written medical emergency plan in place;

16                                   2.     [Adequate] **UNLESS THE DENTAL HYGIENIST IS**  
17 **PROVIDING THE EQUIPMENT, ADEQUATE** equipment, including portable equipment and  
18 appropriate armamentarium, available for the appropriate delivery of dental hygiene  
19 services; and

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

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

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

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

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

30                   (5)     A dental hygienist practicing under the general supervision of a  
31 licensed dentist in a [long-term care] facility **IN ACCORDANCE WITH THE**

1 **REQUIREMENTS OF THIS SUBTITLE** and performing an authorized dental hygiene service  
2 for a patient's [initial] appointment shall:

3 (I) **ASSESS WITH THE SUPERVISING DENTIST THE**  
4 **APPROPRIATE RECALL INTERVAL BASED ON THE NEEDS OF THE PATIENT;**

5 (II) **LIMIT SERVICES TO THE PREVENTIVE SERVICES**  
6 **AUTHORIZED UNDER THE CURRENT SCOPE OF PRACTICE OF A LICENSED DENTAL**  
7 **HYGIENIST THAT DO NOT REQUIRE A LICENSED DENTIST TO BE ON THE PREMISES**  
8 **WHEN THE SERVICES ARE PERFORMED;**

9 (III) **REPORT PATIENT CLINICAL FINDINGS TO THE**  
10 **SUPERVISING DENTIST AND, WITH THE SUPERVISING DENTIST, DETERMINE**  
11 **WHETHER THE PATIENT SHOULD BE REFERRED FOR A FOLLOW-UP EXAMINATION**  
12 **OR CARE BY THE SUPERVISING DENTIST;**

13 [(i)] (IV) Have a written agreement between the supervising  
14 dentist and the dental hygienist that [clearly]:

15 1. **CLEARLY** sets forth the terms and conditions under which  
16 the dental hygienist may practice, including a statement that the dental hygienist may  
17 provide dental hygiene services without the supervising dentist on the premises **UNLESS**  
18 **THIS TITLE REQUIRES THAT A LICENSED DENTIST BE ON THE PREMISES IN ORDER**  
19 **FOR THE SERVICE TO BE PERFORMED BY THE DENTAL HYGIENIST;**

20 2. **INDICATES THE POPULATION TO BE SERVED;**

21 3. **STATES THE METHOD BY WHICH THE SERVICES ARE**  
22 **TO BE PROVIDED AND THE PROCEDURES TO BE USED BY THE SUPERVISING DENTIST**  
23 **TO OVERSEE AND DIRECT THE DENTAL HYGIENIST; AND**

24 4. **STATES THE NAMES AND LICENSE NUMBERS OF THE**  
25 **DENTIST AND DENTAL HYGIENIST PERFORMING SERVICES UNDER THE WRITTEN**  
26 **AGREEMENT;**

27 [(ii)] (V) Ensure that, **WHILE THE DENTAL HYGIENIST IS**  
28 **PERFORMING THE SERVICE**, the supervising dentist is available for consultation with the  
29 dental hygienist:

30 1. In person;

31 2. By telephone; or

32 3. Electronically;

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

4                    **(VI) ENSURE THAT THE SUPERVISING DENTIST IS AVAILABLE ON**  
5 **A REGULARLY SCHEDULED BASIS TO:**

6                    1.    **PROVIDE CONSULTATION TO THE DENTAL**  
7 **HYGIENIST; AND**

8                    2.    **REVIEW PATIENT RECORDS OF THE DENTAL**  
9 **HYGIENIST;**

10                   [(iv)] **(VII) Assess the appropriate recall interval based on the**  
11 **individual needs of the patient, or as otherwise recommended by the supervising dentist;**  
12 **AND**

13                   [(v) Limit dental hygiene tasks and procedures to:

14                   1.    Toothbrush prophylaxis;

15                   2.    Application of fluoride;

16                   3.    Dental hygiene instruction;

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

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

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

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

26                   (i) The supervising dentist [examines]:

27                   1.    **EXAMINES** the [patient and authorizes] **PATIENT'S**  
28 **CHARTS AND OTHER DENTAL RECORDS AFTER INITIAL TREATMENT BY THE DENTAL**  
29 **HYGIENIST;**

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

3                   **3. EXAMINES THE PATIENT AT LEAST ONCE EVERY 2**  
4 **YEARS, OR MORE FREQUENTLY AS DETERMINED BY THE DENTIST AND DENTAL**  
5 **HYGIENIST;**

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

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

13                   **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect  
14 October 1, 2019.