

Chapter 753

(House Bill 1143)

AN ACT concerning

~~Dental Services — Dental Hygienists in Schools and School-Based Health Centers and the Maryland Collaborative to Improve Children's Oral Health Through School-Based Programs — Establishment~~

FOR the purpose of ~~providing that a general license to practice dental hygiene authorizes the licensee to practice dental hygiene under the general supervision of a dentist in a school or school-based health center;~~ establishing the Maryland Collaborative to Improve Children's Oral Health Through School-Based Programs to study and make recommendations on ways to improve school-based dental programs; and generally relating to school-based dental services.

~~BY repealing and reenacting, with amendments,
Article — Health Occupations
Section 4-308(f)(1)
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)~~

~~BY adding to
Article — Health Occupations
Section 4-308(n)
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)~~

Preamble

WHEREAS, The death of Deamonte Driver, a 12-year-old insured under the Maryland Medical Assistance Program, from a tooth abscess on February 25, 2007, triggered a call to action in public health; and

WHEREAS, In response to Deamonte Driver's death, the Maryland Department of Health, oral health advocates, the dental provider community, and the health care community collaborated to advance significant systemic improvements for access to dental services for all children, including children in underserved communities in the State; and

WHEREAS, Access to dental services for children covered by the Maryland Medical Assistance Program improved steadily between 2008 and 2015 with the percentage of children receiving preventive services rising from 50.1% to 64%; and

WHEREAS, Access to dental services for children covered by the Maryland Medical Assistance Program remained steady between 2016 and 2019, with 63% to 64% of children receiving preventive services; and

WHEREAS, Access to dental services for children covered by the Maryland Medical Assistance Program plummeted with the onset of the COVID–19 pandemic and has yet to recover, with only 56.5% of children receiving preventive dental services in 2023; and

WHEREAS, The 2022–2023 Children’s Oral Health Survey conducted by the Maryland Department of Health demonstrated that 21% of children had untreated dental decay, with Hispanic children having the highest prevalence of untreated decay at 30% and the Western region of the State with the highest prevalence at 27%; and

WHEREAS, The 2022–2023 Children’s Oral Health Survey conducted by the Maryland Department of Health demonstrated that 51% of Maryland’s school children needed sealants, with Black children at the highest prevalence of need at 60% and the Western region of the State with the highest sealant need at 72%; and

WHEREAS, Children in the State need public health action to improve access to dental services to avoid serious long–term health consequences; and

WHEREAS, School–based dental programs offer the potential to provide preventive and screening services and linkages to permanent dental homes for children in every Maryland community; now, therefore,

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

~~**Article – Health Occupations**~~

~~4–308.~~

~~(f) (1) Except as provided in subsection (k) of this section, while it is effective, a general license to practice dental hygiene issued under this title authorizes the licensee to practice dental hygiene:~~

~~(i) Under the supervision of a licensed dentist who is:~~

~~1. On the premises and available for personal consultation while the services are being performed; or~~

~~2. Not on the premises while authorized dental hygiene services are provided when the requirements of subsection (l) OR (N) of this section have been fully satisfied; and~~

~~(ii) Only in a:~~

~~1. Dental office;~~

~~2. Dental clinic;~~

~~3. Hospital;~~

~~4. School;~~

~~5. Charitable institution; or~~

~~6. Health maintenance organization certified by the State Insurance Commissioner.~~

~~(N) 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 SCHOOL OR SCHOOL-BASED HEALTH CENTER IF THE LICENSEE SUBMITS ON A FORM PROVIDED BY THE BOARD A STATEMENT THAT THE LICENSEE INTENDS TO PRACTICE IN A SCHOOL OR SCHOOL-BASED HEALTH CENTER.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

(a) There is a Maryland Collaborative to Improve Children's Oral Health Through School-Based Programs.

(b) The Collaborative consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Health, or the Secretary's designee;

(4) the Secretary of Education, or the Secretary's designee;

(5) the Deputy Secretary of Public Health Services, or the Deputy Secretary's designee;

(6) the Chair of the Maryland Community Health Resources Commission, or the Chair's designee; and

(7) the following members, appointed by the Secretary of Health:

(i) one representative of the Maryland Medical Assistance Program;

- Nurses;
- Health Care;
- Association;
- (ii) one representative of the Maryland Association of School Health
 - (iii) one representative of the Maryland Assembly of School-Based
 - (iv) one representative of the Maryland Dental Action Coalition;
 - (v) one representative of the Maryland Dental Hygienists' Association;
 - (vi) one representative of the Maryland State Dental Association;
 - (vii) one representative of the Maryland Dental Society;
 - (viii) one representative of the State Board of Dental Examiners;
 - ~~(viii)~~ (ix) one representative of a federally qualified health center that manages a school-based dental program;
 - ~~(viii)~~ (x) one representative of the Maryland Association of Boards of Education;
 - ~~(ix)~~ (xi) one representative of the Public School Superintendents' Association of Maryland; and
 - ~~(x)~~ (xii) one representative of the National Maternal and Child Health Resource Center.

(c) The Secretary of Health shall designate the chair of the Collaborative.

(d) The Maryland Department of Health shall provide staff for the Collaborative.

(e) A member of the Collaborative:

(1) may not receive compensation as a member of the Collaborative; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Collaborative shall study and make recommendations to improve the oral health of children in the State through school-based dental programs by analyzing the impact of:

(1) supporting schools and community dental partners in linking families and children to permanent dental facilities;

(2) increasing the number of dental hygienists providing school-based services through policy initiatives, including grant support for services for uninsured children and Medicaid reimbursement of dental hygienists who render dental services;

(3) authorizing school nurses to provide fluoride varnishes among other clinically appropriate services by modifying school health guidelines and providing reimbursement through the Maryland Medical Assistance Program;

(4) expanding the capacity of school-based health centers to provide dental services; ~~and~~

(5) clarifying the law governing the practice of dental hygienists in school settings to reduce confusion among practitioners and school-based programs; and

~~(5)~~ (6) other innovative models for providing dental services to children in schools.

(g) The Collaborative may consult with any other individual or organization with expertise in school-based dental programs.

(h) (1) On or before December 1, 2025, the Collaborative shall submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

(2) On or before October 1, 2026, the Collaborative shall submit a final report of its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2025. ~~Section 2 of this Act~~ It shall remain effective for a period of 2 years and, at the end of June 30, 2027, ~~Section 2 of~~ this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 20, 2025.