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§4–308.

(a) A general license to practice dentistry issued under this title authorizes the licensee to practice dentistry while the license is effective.

(b) While it is effective, a limited license to practice dentistry issued under this title authorizes the licensee to practice dentistry, including as an intern or a resident:

(1) Only for the institution or public health program named on the license; and

(2) Only on patients of the institution or public health program named on the license.

(c) While it is effective, a retired volunteer dentist's license or a volunteer dentist's license to practice dentistry issued under this title authorizes the licensee to practice dentistry:

(1) Only in a dental office, dental clinic, ambulatory care facility, or hospital;

(2) Only for an entity providing medical care to the poor, elderly, or disabled that is operated by:

(i) The State or a local government;

(ii) A bona fide charitable organization; or

(iii) Any other entity authorized under regulations adopted by the Board;

(3) If the dentist signs a written statement agreeing to donate at least 100 hours of dental services without compensation in a facility that satisfies the requirements of items (1) and (2) of this subsection;

(4) If the dentist provides documentation as required by the Board which evidences that the licensee is covered by malpractice insurance; and

(5) If the dentist does not otherwise practice dentistry for profit in Maryland.

(d) (1) While it is effective, a temporary volunteer dentist's license issued under this title authorizes the licensee to practice dentistry:

(i) Only in a temporary dental clinic providing medical care to the poor, elderly, or disabled that is operated by:

1. A bona fide charitable organization;

2. The State or a local government; or

3. A local health department;

(ii) If:

1. The dentist holds a general license to practice dentistry in another state that permits clinical practice and the dentist is not subject to clinical restrictions; and

2. The dentist has:

A. Passed the North East Regional Board Clinical Examination; or

B. Submitted to the Board a notarized affidavit or other evidence satisfactory to the Board indicating that for the 5 years preceding application, the applicant has actively engaged in practicing dentistry for at least 850 hours on average per year;

(iii) If the dentist has fulfilled any requirements of the Board relating to knowledge of the regulations adopted by the Board and the laws concerning the practice of dentistry in the State;

(iv) If the dentist provides a notarized affidavit to the Board agreeing to donate dental services without compensation for a temporary dental clinic that satisfies the requirements of subsection (i) of this section;

(v) If the dentist provides documentation as required by the Board that evidences that the dentist is covered by malpractice insurance;

(vi) If the dentist does not otherwise practice dentistry for profit in the State; and

(vii) If the dentist provides verification of current cardiopulmonary resuscitation certification.

(2) A dentist who holds a temporary volunteer dentist's license may not administer, maintain, or monitor general anesthesia or sedation.

(3) A dentist who holds a temporary volunteer dentist's license may only provide services authorized under the Maryland Dentistry Act and the regulations adopted by the Board.

(4) A dentist who holds a temporary volunteer dentist's license or the temporary dental clinic in which the dentist is providing services shall provide a form to a patient at the conclusion of treatment that contains:

(i) A summary of the services that were provided to the patient by the dentist and, if applicable, the dental hygienist; and

(ii) Instructions for any recommended follow–up dental care.

(5) The Board may deny a temporary volunteer dentist's license on the grounds provided under § 4–315 of this subtitle.

(6) A temporary volunteer dentist's license issued to a dentist under this title shall be issued for the duration of the temporary dental clinic only and may not be renewed.

(7) The Board may issue a temporary volunteer dentist's license to a dentist who previously held a temporary volunteer dentist's license if the dentist applies for a new license and satisfies the requirements of this subtitle.

(8) The Board may not require continuing education as a condition for the issuance of a temporary volunteer dentist's license.

(e) While it is effective, a teacher's license to practice dentistry issued under this title authorizes the licensee to practice dentistry at only the following institutions:

(1) The institution named on the license; and

(2) Other affiliated institutions as appropriate because of the specialized nature of the services to be performed.

(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) 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.

(2) (i) The Board may waive, on a case by case basis only, the supervision requirements of this subsection for:

1. A dental facility owned and operated by the federal, the State, or a local government;

2. A health facility licensed by the Maryland Department of Health;

3. A facility providing medical care to the poor, elderly, or handicapped that is owned and operated by:

A. The State or a local government; or

B. A bona fide charitable organization; or

4. Any other setting authorized under regulations adopted by the Board.

(ii) A waiver is not required to practice dental hygiene under general supervision in accordance with subsection (k) of this section.

(3) The Board may grant a waiver under paragraph (2) of this subsection if:

(i) The facility requesting the waiver has submitted a written application;

(ii) The facility requesting the waiver has submitted a medical emergency plan of action at the time of application; and

(iii) The Board finds that:

1. Good cause exists to justify the granting of the waiver;

2. Adequate facilities and equipment, including portable equipment where appropriate and appropriate armamentarium, are available for the appropriate delivery of dental hygiene services; and

3. Adequate safeguards are present to protect the patient's health and safety.

(4) (i) The Board, upon written request or its own motion, may conduct a public informational meeting on any waiver application.

(ii) The Board shall maintain records of all waiver applications and the criteria and basis for its action on each application.

(iii) The Board shall have the power to inspect or review any facility, location, person, or entity applying for, covered by, or acting under a waiver.

(5) (i) Except as provided under subparagraph (ii) of this paragraph, the Board shall accept or deny a waiver under paragraph (2) of this subsection within 60 calendar days of the receipt of the application for the waiver or it shall be deemed to have been accepted.

(ii) If extraordinary circumstances exist, the Board shall accept or deny a waiver under paragraph (2) of this subsection within 90 calendar

days of the receipt of the application for the waiver or it shall be deemed to have been accepted.

(6) Any changes in the procedures or personnel of a facility with a waiver granted under this subsection shall be reported to the Board within 15 business days after the change.

(g) While it is effective, a retired volunteer dental hygienist's license or a volunteer dental hygienist's license to practice dental hygiene issued under this title authorizes the licensee to practice dental hygiene:

(1) Only in a dental office, dental clinic, ambulatory care facility, or hospital;

(2) Only for an entity providing medical care to the poor, elderly, or handicapped that is operated by:

(i) The State or a local government;

(ii) A bona fide charitable organization; or

(iii) Any other entity authorized under regulations adopted by the Board;

(3) If the dental hygienist signs a written statement agreeing to donate at least 100 hours of dental hygiene services without compensation in a facility that satisfies the requirements of items (1) and (2) of this subsection;

(4) If the dental hygienist provides documentation as required by the Board which evidences that the licensee is covered by malpractice insurance; and

(5) If the dental hygienist does not otherwise practice dental hygiene for profit in Maryland.

(h) (1) While it is effective, a temporary volunteer dental hygienist's license issued under this title authorizes the licensee to practice dental hygiene:

(i) Only in a temporary dental clinic providing medical care to the poor, elderly, or disabled that is operated by:

1. A bona fide charitable organization;

2. The State or a local government; or

3. A local health department;

(ii) If the dental hygienist holds a general license to practice dental hygiene in another state that permits clinical practice and the dental hygienist is not subject to clinical restrictions;

(iii) In addition to holding a general license to practice dental hygiene, if the dental hygienist:

1. Provides documentation as required by the Board which evidences that the dental hygienist passed the North East Regional Board Clinical Examination; or

2. Submits to the Board a notarized affidavit or other evidence satisfactory to the Board indicating that for the 3 years preceding application, the dental hygienist has actively engaged in practicing dental hygiene for at least 150 hours on average per year;

(iv) If the dental hygienist has fulfilled any requirements of the Board related to knowledge of the laws and regulations governing the practice of dental hygiene in the State;

(v) If the dental hygienist provides a notarized affidavit to the Board agreeing to donate dental hygiene services without compensation for a temporary dental clinic that satisfies the requirements of subsection (i) of this section;

(vi) If the dental hygienist provides documentation as required by the Board evidencing that the dental hygienist is covered by malpractice insurance;

(vii) If the dental hygienist does not otherwise practice dental hygiene for profit in the State; and

(viii) If the dental hygienist provides verification of current cardiopulmonary resuscitation certification.

(2) A dental hygienist who holds a temporary volunteer dental hygienist's license may only provide services authorized under the Maryland Dentistry Act and the regulations adopted by the Board.

(3) A dental hygienist who holds a temporary volunteer dental hygienist's license may not:

(i) Administer local anesthesia; or

(ii) Administer, maintain, or monitor nitrous oxide oxygen.

(4) While it is effective, a temporary volunteer dental hygienist's license issued under this title authorizes the licensee to practice dental hygiene under the general supervision of a dentist who:

(i) Is on the premises;

(ii) Examines the patient at any time during the treatment; and

(iii) Is available for personal consultation while the services are being performed.

(5) A dental hygienist may perform an assessment of dental needs and provide dental hygiene services prior to an examination by a supervising dentist.

(6) This subsection may not be construed to:

(i) Require a preliminary dental examination or treatment by a dental hygienist; or

(ii) Prohibit a supervising dentist from either examining a patient or providing treatment to a patient prior to treatment by a dental hygienist.

(7) The Board may deny a temporary volunteer license to practice dental hygiene on the grounds provided under § 4–315 of this subtitle.

(8) A temporary volunteer dental hygienist's license issued to a dental hygienist under this section shall be issued for the duration of the temporary dental clinic only and may not be renewed.

(9) The Board may issue a temporary volunteer dental hygienist's license to a dental hygienist who previously held a temporary volunteer dental hygienist's license if the dental hygienist applies for a new license and satisfies the requirements of this subtitle.

(10) The Board may not require continuing education as a condition for the issuance of a temporary volunteer dental hygienist's license.

(i) (1) While it is effective, a temporary dental clinic permit issued to a bona fide charitable organization under this title authorizes the permit holder to utilize holders of a temporary volunteer dentist's license or a temporary volunteer

dental hygienist's license to provide dental services to the poor, elderly, or disabled at a temporary dental clinic that is operated by the bona fide charitable organization.

(2) The Board shall issue a temporary dental clinic permit to a bona fide charitable organization that meets the requirements of this subsection.

(3) A temporary dental clinic permit issued to a bona fide charitable organization under this title shall be issued for the duration of the dental clinic only and may not be renewed.

(4) The Board may issue a temporary dental clinic permit to a bona fide charitable organization that previously held a temporary dental clinic permit if the bona fide charitable organization applies for a new permit and satisfies the requirements of this subtitle.

(5) A bona fide charitable organization that conducts a temporary dental clinic under this title may not be construed to be practicing dentistry as defined in § 4–101 of this title.

(6) (i) The State, a local government, or a local health department that provides dental services to the poor, elderly, or disabled:

1. May not be required by the Board to seek authorization under this title to provide the services; and

2. Shall provide written notice to the Board of its intention to provide dental services to the poor, elderly, or disabled at least 60 days prior to the date the services are to be provided.

(ii) A holder of an out–of–state license to practice dentistry or dental hygiene who would like to provide dental services sponsored by the State, a local government, or a local health department shall obtain a temporary volunteer dentist's license or temporary volunteer dental hygienist's license as provided in this title before providing the dental services.

(7) A holder of a temporary dental clinic permit shall have:

(i) A medical emergency plan;

(ii) Adequate equipment, including portable equipment where appropriate, and appropriate armamentarium available for the appropriate delivery of dental services; and

(iii) Adequate safeguards to protect the health and safety of patients.

(8) The Board may:

(i) Enter and inspect a temporary dental clinic in order to carry out a duty under this title; and

(ii) Conduct an investigation of a temporary dental clinic or a holder of a temporary volunteer dentist's license or a temporary volunteer dental hygienist's license providing dental services at the temporary dental clinic.

(j) While it is effective, a teacher's license to practice dental hygiene issued under this title authorizes the licensee to:

(1) Teach dental hygiene only at the institution named on the license; and

(2) Practice dental hygiene under the general supervision of a licensed dentist with the institution named on the license.

(k) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Contractual employee" means a dental hygienist who has an annual contract to practice dental hygiene an average of at least 8 hours per week in a facility specified under paragraph (3)(i) of this subsection.

(iii) "Facility" includes a program operated within a facility that is specified under paragraph (3)(i) of this subsection.

(iv) "Federally qualified health center" has the meaning stated in 42 U.S.C. § 254b(a).

(v) "Federally qualified health center look–alike" has the meaning stated in 42 U.S.C. § 1396d(l)(2)(B).

(vi) "General supervision" means supervision of a dental hygienist by a dentist, where the dentist may or may not be present when the dental hygienist performs the dental hygiene procedures.

(2) (i) While effective, a general license to practice dental hygiene issued under this title authorizes the licensee to practice dental hygiene and apply

sealants or fluoride agents such as professional topical fluoride treatments, mouth rinse, or varnish:

1. Under general supervision in accordance with this subsection; and

2. In a facility specified under paragraph (3)(i) of this subsection that complies with the requirements of this subsection.

(ii) This subsection may not be construed to:

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

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

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

(3) (i) While it is effective, a general license to practice dental hygiene issued under this title authorizes the licensee to practice dental hygiene under general supervision in:

1. A dental facility owned and operated by the federal, the State, or a local government;

2. A public health department or public school of the State or a county;

3. A facility in which a program licensed by the Department is operating;

4. A facility owned and operated by the Department of Juvenile Services;

5. A facility owned and operated by the State or a local government that provides medical care to the poor, elderly, or handicapped;

6. A facility in which a federally qualified health center or a federally qualified health center look–alike is located; or

7. A facility in which a State licensed Head Start Program or Early Head Start Program operates.

(ii) Before a facility may allow a dental hygienist authorized to practice dental hygiene under general supervision in accordance with this subsection to practice in the facility, the facility shall report to the Board:

1. That the facility is operating under general supervision; and

2. The identity of each supervising dentist and each dental hygienist.

(4) A facility in which a dental hygienist is authorized to practice under the general supervision of a licensed dentist in accordance with this subsection shall ensure that:

(i) The supervising dentist for the facility:

1. Holds an active general license to practice dentistry in the State;

2. Holds a current certificate evidencing health provider level C proficiency, or its equivalent, in cardiopulmonary resuscitation; and

3. Has at least 2 years of active clinical practice in direct patient care;

(ii) Each dental hygienist authorized to practice under the general supervision of a licensed dentist in accordance with this subsection:

1. Holds an active general license to practice dental hygiene in the State;

2. Holds a current certificate evidencing health provider level C proficiency, or its equivalent, in cardiopulmonary resuscitation;

3. Has at least 2 years of active clinical practice in direct patient care; and

4. Is a permanent or contractual employee of the federal government, a state or local government, or a federally qualified health center;

(iii) The facility has:

1. A medical emergency plan;

2. Adequate equipment, including portable equipment where appropriate and appropriate armamentarium, available for the appropriate delivery of dental hygiene services; and

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

(iv) A recall patient who has been examined by a dental hygienist practicing under the general supervision of a licensed dentist will be scheduled for an oral examination every 6 months, or as otherwise recommended by the supervising dentist;

(v) A dental hygienist practicing under the general supervision of a licensed dentist ascertains before treating a recall patient that there has been no change in the patient's medical history;

(vi) A dental hygienist consults with the supervising dentist or the patient's dentist and the treating physician, registered nurse practitioner, certified nurse midwife, or licensed certified midwife before proceeding with treatment if there is a change in the patient's medical condition;

(vii) Adequate facilities and equipment are available for the delivery of dental hygiene services other than fluoride rinse programs; and

(viii) The facility reports to the Board any changes in the status of the facility's general supervision, any supervising dentist, or any dental hygienist within 30 days after the change.

(l) (1) In this subsection, "private dental office" means a dental office owned and operated by:

(i) A licensed dentist; or

(ii) A professional corporation, partnership, limited liability company, or limited liability partnership owned and controlled by a licensed dentist.

(2) 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 private dental office.

(3) A private dental office in which a dental hygienist is authorized to practice under the general supervision of a licensed dentist shall ensure that:

(i) The supervising dentist holds an active license to practice dentistry in this State;

(ii) The dental hygienist holds an active license to practice dental hygiene in this State;

(iii) The dental hygienist has at least 1,500 hours of dental hygiene clinical practice in direct patient care; and

(iv) There is a written agreement between the supervising dentist and the dental hygienist practicing under general supervision that clearly sets forth the terms and conditions under which the dental hygienist may practice, including a statement that the dental hygienist may provide dental hygiene services without the supervising dentist on the premises.

(4) A dental hygienist may perform authorized dental hygiene services without the supervising dentist on the premises only if:

(i) After the supervising dentist examines and evaluates a patient, the prescribed and authorized treatment to be provided by the dental hygienist is written in the patient's records;

(ii) 1. Treatments authorized by a supervising dentist to be provided by the dental hygienist are rendered no later than 7 months from the date the patient was examined and evaluated by the supervising dentist; and

2. Upon expiration of a prescription or prescribed treatment, the supervising dentist examines and reevaluates the patient before writing a new prescription and authorization for treatment;

(iii) Prior to an appointment, the patient or the custodial parent or legal guardian of a minor or incompetent adult shall:

1. Be informed that a dental hygienist will be providing services previously prescribed by a dentist who will not be on the premises during the appointment; and

2. Consent to receiving the dental hygiene services;

(iv) Written emergency procedures are in place and the dental hygienist is trained to implement the emergency procedures;

(v) A designated licensed dentist is available for consultation with the dental hygienist; and

(vi) The number of unsupervised clinical hours worked by a supervised dental hygienist in any given 3–month period is less than 60 percent of the dental hygienist's total hours worked during that 3–month period.

(5) A supervising dentist may not employ more than two dental hygienists to work under the dentist's general supervision at any given time.

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

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

(iii) "Clinical office" means an office of a licensed physician, registered nurse practitioner, certified nurse midwife, or licensed certified midwife who provides prenatal, postpartum, or primary care and in which the supervising dentist and dental hygienist communicate with the licensed physician, certified registered nurse practitioner, certified nurse midwife, or licensed certified midwife in providing dental hygiene services to a patient.

(iv) "Facility" means:

1. A nursing home;

2. An assisted living program;

3. Clinical offices; or

4. A group home or adult day care center.

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

(vi) "Group home or adult day care center" means a group home or adult day care center where the patient's medical records are made available to the dentist and the dental hygienist and that obtains the consent of the patient or the patient's guardian for dental hygiene services to be provided under this subsection.

(vii) "Nursing home" has the meaning stated in § 19–1401 of the Health – General Article.

(2) (i) 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 facility in accordance with this subsection.

(ii) This subsection may not be construed to:

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

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

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

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

(3) Before a dental hygienist is authorized to practice dental hygiene under general supervision in a facility in accordance with this subsection, the dental hygienist shall:

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

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

(iii) Have at least 3,000 hours of active clinical practice in direct patient care; and

(iv) Ensure that the facility where the dental hygienist will practice under general supervision has:

1. A written medical emergency plan in place;

2. Adequate equipment, including portable equipment and appropriate armamentarium, available for the appropriate delivery of dental hygiene services, unless the dental hygienist provides the equipment described; and

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

(4) Before a dental hygienist is authorized to practice dental hygiene under general supervision in a facility in accordance with this subsection, the supervising dentist shall:

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

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

(iii) Have at least 3,000 hours of active clinical practice in direct patient care; and

(iv) Have a written agreement between the supervising dentist and the dental hygienist that:

1. Clearly sets forth the terms and conditions under which the dental hygienist may practice, including a statement that the dental hygienist may provide dental hygiene services without the supervising dentist on the premises unless this title requires that a licensed dentist be on the premises in order for the service to be performed by the dental hygienist;

2. Indicates the population to be served;

3. States the method by which the services are to be provided and the procedures to be used by the supervising dentist to oversee and direct the dental hygienist; and

4. States the names and license numbers of the dentist and dental hygienist performing services under the written agreement.

(5) A dental hygienist practicing under the general supervision of a licensed dentist in a facility and performing an authorized dental hygiene service for a patient's initial appointment shall:

(i) Ensure that, while the dental hygienist is performing the service, the supervising dentist is available for consultation with the dental hygienist:

1. In person;

2. By telephone; or

3. Electronically;

(ii) Consult with the supervising dentist and the treating physician, registered nurse practitioner, certified nurse midwife, or licensed certified midwife before proceeding with treatment if there is a change in or concerns about a patient's medical condition;

(iii) Assess the appropriate recall interval based on the needs of the patient, or as otherwise recommended by the supervising dentist;

(iv) Limit dental hygiene tasks and procedures provided during the initial appointment to:

1. Toothbrush prophylaxis;

2. Application of fluoride;

3. Dental hygiene instruction;

4. Full mouth debridement;

5. Assessing the patient's apparent need for further evaluation by a dentist in order to diagnose the presence of dental disease; and

6. Other duties as may be delegated, verbally or in writing, by the supervising dentist; and

(v) Submit findings of the initial assessment to the supervising dentist for a collaborative determination of future treatment based on the patient's overall health status.

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

(i) The supervising dentist:

1. Examines the patient and the patient's charts and other dental records;

2. Authorizes in the patient's record the scope of a prescription of specific treatment to be provided by the dental hygienist; and

3. Examines the patient at least once every 12 months, or more frequently as determined by the dentist;

(ii) An authorized treatment is provided by the dental hygienist as soon as possible, but no later than 7 months from the date the patient and the patient's charts and other dental records were reviewed by the supervising dentist; and

(iii) On completion of the treatment prescribed following the initial appointment, the supervising dentist determines, in consultation with the dental hygienist, future protocols for the treatment of the patient.

(7) While performing dental hygiene services for a patient under paragraph (6)(iii) of this subsection, a dental hygienist shall:

(i) Assess with the supervising dentist the appropriate recall interval based on the needs of the patient;

(ii) Limit services to the preventive services authorized under the current scope of practice of a licensed dental hygienist except for those services for which the presence of a licensed dentist on the premises is required under this title; and

(iii) Report patient clinical findings to the supervising dentist and, with the supervising dentist, determine whether the patient should be referred for a follow–up examination or care by the supervising dentist.

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