



**The MSDA Supports with Amendments SB 306– Dental Hygienists – Consultation Requirements – Health Care Practitioners**

*Respectfully submitted by Daniel T. Doherty, Jr on behalf of the Maryland State Dental Association*

The Maryland State Dental Association recognizes the negative impact of the pandemic on its members' dental practices, on dental auxiliaries who are essential to the dental team, and upon patients. Covid initially forced closure of dental offices except for emergencies procedures. Once offices could reopen, dentists were confronted with exorbitant increased costs for PPE, a reduction of staff due to fear of infection, the loss of child care services, and a myriad of other reasons. Patients missed regular appointments and dental issues went untreated, and once patients began to return the severity of their dental condition had worsened, and the need for treatment had greatly increased.

All of this has led to a critical shortage of dental hygienists and dental assistants available to our members' practices. This shortage has led to MSDA initiating a number of initiatives including efforts to increase the educational programs available in Maryland for dental hygienists and dental assistants, and to seek the passage of legislation that will safely increase the productivity of the dental team. In this context, it is difficult to envision that there will be a significant number of hygienists available and willing to provide hygiene services through the offices of non-dental providers. However, MSDA also recognizes that there is a need to find innovative ways to find Marylanders a dental home. It is hoped that the opportunity to receive basic dental hygiene services in new health care contexts may lead to some individuals, after receiving these services, to ultimately find a permanent dental home.

While SB 306 may be the catalyst to accomplish this goal, MSDA cannot support the bills without some amendments, which are attached to this testimony. These amendments make clear that the dental hygienist is to consult with the supervising dentist or, where applicable, with the treating physician or treating nurse practitioner, when there is a change in, or concerns about, a patient's medical history. MSDA believes that there are medical issues, such as for example, premedicating a patient who has a prosthetic replacement device before dental hygiene treatment also requires knowledge and experience in evaluating the potential for the occurrence of life-threatening infections such as C-diff. These amendments assure that in this, and other analogous circumstances, it will be the primary health care providers and/or the supervising dentist or the patient's treating dentist consulting with the dental hygienist to determine the appropriate treatment protocol.

**The MSDA requests that SB 306 be amended, and that it receive a favorable report with these amendments.**

Submitted February 1, 2022

**Amendments to SB 306 – Dental Hygienists – Consultation Requirements—**

**Health Care Practitioners**

*Requested by Daniel T. Doherty, Jr. on behalf of the Maryland State Dental Association*

**Amendment No 1:** On page 1 in line 21 after “dentist,” insert “**AND WHERE APPLICABLE, WITH THE TREATING**”; and strike from “**CERTIFIED**” in line 21 through “**MIDWIFE,**” in line 22.

**Amendment No. 1:** On page 2 strike lines 5 through 11; in lines 12, 15, 17, 20, 24 and 26 strike the brackets; and in lines 12, 17, and 20 strike “**(IV)**”, “**(V)**”, and “**(VI)**” respectively.

**Amendment No. 2:** In line 15 strike “**CLINICAL**” and strike “or”; and after line 15 insert the following:

“ **4. A NURSE PRACTITIONER’S OFFICE ;**

**5. A CERTIFIED NURSE MIDWIFE OR A LICENSED CERTIFIED NURSE MIDWIFE’S OFFICE ; OR**”

And in line 16 strike “4.” And insert “**6**”.

**Amendment No. 3:** On page 2 after line 26 insert:

“ **(VII) ‘ A NURSE PRACTITIONER’S OFFICE’ MEANS AN OFFICE OF THE PATIENT’S REGISTERED NURSE PRACTITIONER WHO PROVIDES PRENATAL, POSTPARTUM OR PRIMARY MEDICAL CARE AND IN WHICH THE NURSE PRACTITIONER, THE SUPERVISING DENTIST AND THE DENTAL HYGIENIST COMMUNICATE IN PROVIDING DENTAL HYGIENE SERVICES TO THE PATIENT;**

**(VIII) ‘NURSE MIDWIFE’S OFFICE’ MEANS AN OFFICE OF THE PATIENT’S CERTIFIED NURSE MIDWIFE OR LICENSED CERTIFIED NURSE MIDWIFE WHO PROVIDES PRENATAL OR POSTPARTUM CARE, AND IN WHICH THE NURSE MIDWIFE, THE SUPERVISING DENTIST AND THE DENTAL HYGIENIST COMMUNICATE IN PROVIDING DENTAL HYGIENE SERVICES TO THE PATIENT; OR**”

And in line 27 strike “(vii) and insert “**IX**”.

**Amendment No. 4:** On Page 3 in line 4 following (ii) strike “Consult” through “**MIDWIFE**” in line 6, and insert “**1. IN A MEDICAL OFFICE OR A REGISTERED NURSE PRACTITIONER’S OFFICE CONSULT WITH THE SUPERVISING DENTIST, THE TREATING PHYSICIAN, OR THE TREATING NURSE PRACTITIONER**” and strike in line 6 “initial”; and following line 7 insert:

**“2. WHEN THE PRENATAL OR POSTPARTUM CARE IS PROVIDED BY A CERTIFIED NURSE MIDWIFE OR A LICENSED CERTIFIED NURSE MIDWIFE,**

**CONSULT WITH THE SUPERVISING DENTIST BEFORE PROCEEDING WITH TREATMENT IF THERE IS A CHANGE IN OR CONCERNS ABOUT A PATIENT'S MEDICAL HISTORY; OR**

Respectfully submitted: Feb. 1, 2022

# SENATE BILL 306

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REPRINT BY DANIEL T. DOHERTY, JR. INCORPORATING PROPOSED  
MSDA AMENDMENTS

CF 2lrHB 219

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By: **Senator Lam**

Introduced and read first time: January 20, 2022

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Dental Hygienists – Consultation Requirements – Health Care Practitioners**

3 FOR the purpose of altering the types of health care practitioners with whom  
4 a dental hygienist must consult before providing certain treatment to a dental  
5 patient to include a patient's registered nurse practitioner, certified nurse midwife,  
6 or licensed certified midwife; and generally relating to dental hygienists and the  
7 provision of dental services.

8 BY repealing and reenacting, with amendments,

9 Article – Health Occupations

10 Section 4–308(k)(4)(vi) and (m)(1) and (5)

11 Annotated Code of Maryland

(2021 Replacement Volume)

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

14 **Article – Health Occupations**

15 4–308.

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

19 (vi) A dental hygienist consults with the supervising  
20 dentist, the patient's dentist, AND WHERE APPLICABLE,  
WITH THE TREATING REGISTERED NURSE  
PRACTITIONER, ~~CERTIFIED NURSE MIDWIFE, OR~~

~~LICENSED CERTIFIED MIDWIFE~~, or a treating physician before proceeding with treatment if there is a change in the patient's medical history;

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

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

5 ~~(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.~~

11 ~~{(iii)}~~ ~~(iv)~~ "Facility" means:

12 1. A nursing home;

13 2. An assisted living program;

14 3. ~~{Medical}~~ ~~CLINICAL~~ offices; ~~or~~

**4. A NURSE PRACTITIONER'S OFFICE;**

**5. A CERTIFIED NURSE MIDWIFE OR A LICENSED CERTIFIED NURSE MIDWIFE'S OFFICE; OR**

15 - 4. 6 A group home or adult day care center.

16 ~~{(iv)}~~ ~~(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.

20                                ~~{(v)}~~-~~(VI)~~ “Group home or adult day care center” means  
a group  
21                                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.

24                                ~~{(vi)}~~ “Medical office” means an office of a licensed physician  
who  
25                                provides prenatal or primary medical care and in which the  
physician, supervising dentist,  
26                                and dental hygienist communicate in providing dental  
hygiene services to a patient. ~~‡~~

**(VII) A NURSE PRACTITIONER’S OFFICE’ MEANS AN  
OFFICE OF THE PATIENT’S REGISTERED NURSE  
PRACTITIONER WHO PROVIDES PRENATAL,  
POSTPARTUM OR PRIMARY MEDICAL CARE AND IN  
WHICH THE NURSE PRACTITIONER, THE SUPERVISING  
DENTIST AND THE DENTAL HYGIENIST  
COMMUNICATE IN PROVIDING DENTAL HYGIENE  
SERVICES TO THE PATIENT;**

**(VIII) NURSE MIDWIFE’S OFFICE MEANS AN OFFICE OF  
THE PATIENT’S CERTIFIED NURSE MIDWIFE OR  
LICENSED CERTIFIED MIDWIFE WHO PROVIDES  
PRENATAL OR POSTPARTUM CARE AND IN WHICH THE  
NURSE MIDWIFE, THE SUPERVISING DENTIST AND THE  
DENTAL HYGIENIST COMMUNICATE IN PROVIDING  
DENTAL HYGIENE SERVICES TO THE PATIENT; OR**

27                                ~~(vii)~~ **(IX)** “Nursing home” has the meaning stated in § 19–  
1401 of the Health – General Article.

(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) **1. IN A MEDICAL OFFICE OR A REGISTERED NURSE PRACTITIONER'S OFFICE, CONSULT WITH THE SUPERVISING DENTIST, OR A THE PATIENT'S TREATING PHYSICIAN OR THE PATIENT'S TREATING REGISTERED NURSE PRACTITIONER, CERTIFIED NURSE MIDWIFE, OR LICENSED CERTIFIED MIDWIFE** before proceeding with initial treatment if there is a change in or concerns about a patient's medical history;

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**2. WHEN THE PRENATAL OR POSTPARTUM CARE IS PROVIDED BY A CERTIFIED NURSE MIDWIFE OR LICENSED CERTIFIED NURSE MIDWIFE, CONSULT WITH THE SUPERVISING DENTIST BEFORE PROCEEDING WITH TREATMENT IF THERE IS A CHANGE IN OR CONCERNS ABOUT A PATIENT'S MEDICAL HISTORY;**

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

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

91. Toothbrush prophylaxis;
- 10 2. Application of fluoride;
- 11 3. Dental hygiene instruction;
- 12 4. Full mouth debridement;

13        5.        Assessing the patient's apparent need  
for further

14        evaluation by a dentist in order to diagnose  
the presence of dental disease; and

15        6.        Other duties as may be delegated,  
verbally or in writing,

16        by the supervising dentist; and

17        (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.

23    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
October 1, 2022.