

# SENATE BILL 538

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CF 6lr2862

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By: **Senator Conway**

Introduced and read first time: February 4, 2016

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Dental Hygienists – Scope of Practice – Authority to Practice Under General**  
3 **Supervision of Licensed Dentists**

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 a certain facility with a population that  
7 lacks direct access to dental care, rather than only in a long-term care facility;  
8 altering the requirements that a dental hygienist is required to meet before being  
9 authorized to practice dental hygiene under the general supervision of a licensed  
10 dentist in a certain facility; altering the requirements that must be met by a dental  
11 hygienist who is practicing under the general supervision of a licensed dentist in a  
12 certain facility and performing a certain dental hygiene service; making conforming  
13 changes; 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 2015 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) “General supervision” means supervision of a dental hygienist by  
4 a dentist, where the dentist may or may not be present when the dental hygienist performs  
5 the dental hygiene procedures.

6 (iv) “Long–term care facility” means:

- 7 1. A nursing home; or
- 8 2. An assisted living program.

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

11 (2) (i) While it is effective, a general license to practice dental hygiene  
12 issued under this title authorizes the licensee to practice dental hygiene **IN ACCORDANCE**  
13 **WITH THIS SUBSECTION** under the general supervision of a licensed dentist in a  
14 long–term care facility, **SCHOOL, OR ANY OTHER FACILITY WITH A POPULATION THAT**  
15 **LACKS DIRECT ACCESS TO DENTAL CARE** [in accordance with this subsection].

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

- 17 1. Authorize a dental hygienist to practice dental hygiene  
18 independent of a supervising dentist;
- 19 2. Prohibit a dentist from being available for personal  
20 consultation or on the premises where a dental hygienist is practicing; **OR**
- 21 3. [Prohibit a dental hygienist, without the supervision of a  
22 dentist, from performing a preliminary dental examination with subsequent referral to a  
23 dentist; or
- 24 4.] Require a waiver under subsection (f) of this section.

25 (3) Before a dental hygienist is authorized to practice dental hygiene under  
26 general supervision in a [long–term care] facility in accordance with this subsection, the  
27 dental hygienist shall:

- 28 (i) Hold an active license to practice dental hygiene in the State;
- 29 (ii) Hold a current certificate evidencing health provider level C  
30 proficiency, or its equivalent, in cardiopulmonary resuscitation;

1 (iii) Have at least 2 years of active clinical practice in direct patient  
2 care; [and]

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

5 1. A written medical emergency plan in place;

6 2. [Adequate] **UNLESS THE DENTAL HYGIENIST IS**  
7 **PROVIDING THE EQUIPMENT, ADEQUATE** equipment, including portable equipment and  
8 appropriate armamentarium, available for the appropriate delivery of dental hygiene  
9 services; and

10 3. Adequate safeguards to protect the patient's health and  
11 safety; **AND**

12 (v) **SUBMIT TO THE DEPARTMENT:**

13 1. **AN OVERVIEW OF:**

14 **A. THE POPULATION TO BE SERVED; AND**

15 **B. THE METHOD BY WHICH THE SERVICES ARE TO BE**  
16 **PROVIDED;**

17 2. **THE NAME OF THE FACILITY AT WHICH THE SERVICES**  
18 **ARE TO BE PROVIDED; AND**

19 3. **THE WRITTEN AGREEMENT REQUIRED UNDER**  
20 **PARAGRAPH (5)(I) OF THIS SUBSECTION.**

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

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

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

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

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

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

3 (i) Have a written agreement between the supervising dentist and  
4 the dental hygienist that clearly sets forth the terms and conditions under which the dental  
5 hygienist may practice, including a statement that the dental hygienist may provide dental  
6 hygiene services without the supervising dentist on the premises;

7 (ii) Ensure that the supervising dentist is available for consultation  
8 with the dental hygienist:

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

12 (iii) [Consult with the supervising dentist or a treating physician  
13 before proceeding with initial treatment if there is a change in a recall patient's medical  
14 history] **ENSURE THAT THE SUPERVISING DENTIST IS AVAILABLE ON A REGULARLY  
15 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. **PROVIDE ADDITIONAL EDUCATION TO THE DENTAL**  
22 **HYGIENIST IN THE PERFORMANCE OF THE DENTAL HYGIENIST'S DUTIES;**

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

25 (v) Limit **PREVENTIVE** dental hygiene tasks and procedures to[:

- 26 1. Toothbrush prophylaxis;
- 27 2. Application of fluoride;
- 28 3. Dental hygiene instruction;
- 29 4. Assessment of the patient's apparent need for further  
30 evaluation by a dentist in order to diagnose the presence of dental disease; and

1                                   5.     Other duties as may be delegated, verbally or in writing,  
2 by the supervising dentist] **THOSE AUTHORIZED UNDER THE DENTAL HYGIENIST'S**  
3 **SCOPE OF PRACTICE;** and

4                                   (vi)   [Submit findings of the initial assessment to the supervising  
5 dentist for a determination of future treatment] **CRITICALLY EVALUATE THE NEED TO**  
6 **REFER A PATIENT BEING SERVED TO A DENTIST OR DENTAL CARE FACILITY BASED**  
7 **ON THE PATIENT'S OVERALL ORAL HEALTH STATUS.**

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

10                                   (i)     The supervising dentist examines the patient and authorizes in  
11 the patient's record a prescription of specific treatment to be provided by the dental  
12 hygienist;

13                                   (ii)    An authorized treatment is provided by the dental hygienist as  
14 soon as possible, but no later than 7 months from the date the patient was examined by the  
15 supervising dentist; and

16                                   (iii)   Upon expiration of a prescribed treatment, the supervising  
17 dentist is responsible for determining future protocols for the treatment of the patient].

18                                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2016.