

# HOUSE BILL 1302

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CF SB 719

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By: ~~Delegates Kipke, Kach, Kullen, and Montgomery~~ Montgomery, Bromwell, Donoghue, Elliott, Hammen, Krebs, McDonough, Nathan-Pulliam, Oaks, Pendergrass, Tarrant, and V. Turner

Introduced and read first time: February 18, 2010

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Occupations – Dental Hygienists – Practice in Long-Term Care**  
3 **Facilities**

4 FOR the purpose of authorizing a dental hygienist to practice dental hygiene under  
5 the general supervision of a dentist in long-term care facilities under certain  
6 circumstances; requiring certain dental hygienists to have a certain written  
7 agreement; requiring certain dental hygienists to ensure that the supervising  
8 dentist is available for consultation with the dental hygienist; requiring certain  
9 dental hygienists to consult with the supervising dentist or a treating physician  
10 under certain circumstances; requiring certain dental hygienists to assess the  
11 appropriate recall interval for a patient in a certain manner; requiring certain  
12 dental hygienists to limit dental hygiene tasks and procedures; requiring  
13 certain dental hygienists to submit findings of the initial assessment to the  
14 supervising dentist for a certain determination; authorizing certain dental  
15 hygienists to perform certain services without the supervising dentist on the  
16 premises under certain circumstances; requiring certain dental hygienists to  
17 ensure that certain long-term care facilities have a medical emergency plan and  
18 certain equipment; requiring the Department of Health and Mental Hygiene to  
19 submit a certain report by a certain date to certain committees; providing for  
20 the termination of this Act; defining certain terms; and generally relating to the  
21 practice of dental hygiene.

22 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Health Occupations  
2 Section 4–308(j)  
3 Annotated Code of Maryland  
4 (2009 Replacement Volume)

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

7 **Article – Health Occupations**  
8 4–308.

9 **(J) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**  
10 **THE MEANINGS INDICATED.**

11 **(II) “ASSISTED LIVING PROGRAM” HAS THE MEANING**  
12 **STATED IN § 19–1801 OF THE HEALTH – GENERAL ARTICLE.**

13 **(III) “GENERAL SUPERVISION” MEANS SUPERVISION OF A**  
14 **DENTAL HYGIENIST BY A DENTIST, WHERE THE DENTIST MAY OR MAY NOT BE**  
15 **PRESENT WHEN THE DENTAL HYGIENIST PERFORMS THE DENTAL HYGIENE**  
16 **PROCEDURES.**

17 **(IV) “LONG–TERM CARE FACILITY” MEANS:**

18 1. **A NURSING HOME; OR**

19 2. **AN ASSISTED LIVING PROGRAM.**

20 **(V) “NURSING HOME” HAS THE MEANING STATED IN §**  
21 **19–1401 OF THE HEALTH – GENERAL ARTICLE.**

22 **(2) (I) WHILE IT IS EFFECTIVE, A GENERAL LICENSE TO**  
23 **PRACTICE DENTAL HYGIENE ISSUED UNDER THIS TITLE AUTHORIZES THE**  
24 **LICENSEE TO PRACTICE DENTAL HYGIENE UNDER THE GENERAL SUPERVISION**  
25 **OF A LICENSED DENTIST IN A LONG–TERM CARE FACILITY IN ACCORDANCE**  
26 **WITH THIS SUBSECTION.**

27 **(II) THIS SUBSECTION MAY NOT BE CONSTRUED TO:**

28 1. **AUTHORIZE A DENTAL HYGIENIST TO PRACTICE**  
29 **DENTAL HYGIENE INDEPENDENT OF A SUPERVISING DENTIST;**

30 2. **PROHIBIT A DENTIST FROM BEING AVAILABLE**  
31 **FOR PERSONAL CONSULTATION OR ON THE PREMISES WHERE A DENTAL**  
32 **HYGIENIST IS PRACTICING;**

1                   3.     PROHIBIT A DENTAL HYGIENIST, WITHOUT THE  
2 SUPERVISION OF A DENTIST, FROM PERFORMING A PRELIMINARY DENTAL  
3 EXAMINATION WITH SUBSEQUENT REFERRAL TO A DENTIST; OR

4                   4.     REQUIRE A WAIVER UNDER SUBSECTION (E) OF  
5 THIS SECTION.

6                   (3)    BEFORE A DENTAL HYGIENIST IS AUTHORIZED TO PRACTICE  
7 DENTAL HYGIENE UNDER GENERAL SUPERVISION IN A LONG-TERM CARE  
8 FACILITY IN ACCORDANCE WITH THIS SUBSECTION, THE DENTAL HYGIENIST  
9 SHALL ~~HOLD~~:

10                    (I)    HOLD AN ACTIVE LICENSE TO PRACTICE DENTAL  
11 HYGIENE IN THE STATE;

12                    (II)   HOLD A CURRENT CERTIFICATE EVIDENCING HEALTH  
13 PROVIDER LEVEL C PROFICIENCY, OR ITS EQUIVALENT, IN CARDIOPULMONARY  
14 RESUSCITATION;

15                    (III) HAVE AT LEAST 2 YEARS OF ACTIVE CLINICAL  
16 PRACTICE IN DIRECT PATIENT CARE; AND

17                    (IV)   ENSURE THAT THE LONG-TERM CARE FACILITY WHERE  
18 THE DENTAL HYGIENIST WILL PRACTICE UNDER GENERAL SUPERVISION HAS:

19                         1.    A WRITTEN MEDICAL EMERGENCY PLAN IN  
20 PLACE;

21                         2.    ADEQUATE EQUIPMENT, INCLUDING PORTABLE  
22 EQUIPMENT AND APPROPRIATE ARMAMENTARIUM, AVAILABLE FOR THE  
23 APPROPRIATE DELIVERY OF DENTAL HYGIENE SERVICES; AND

24                         3.    ADEQUATE SAFEGUARDS TO PROTECT THE  
25 PATIENT'S HEALTH AND SAFETY.

26                   (4)    BEFORE A DENTAL HYGIENIST IS AUTHORIZED TO PRACTICE  
27 DENTAL HYGIENE UNDER GENERAL SUPERVISION IN A LONG-TERM CARE  
28 FACILITY IN ACCORDANCE WITH THIS SUBSECTION, THE SUPERVISING DENTIST  
29 SHALL:

30                         (I)    HOLD AN ACTIVE GENERAL LICENSE TO PRACTICE  
31 DENTISTRY IN THE STATE;

1 (II) HOLD A CURRENT CERTIFICATE EVIDENCING HEALTH  
 2 PROVIDER LEVEL C PROFICIENCY, OR ITS EQUIVALENT, IN CARDIOPULMONARY  
 3 RESUSCITATION; AND

4 (III) HAVE AT LEAST 2 YEARS OF ACTIVE CLINICAL  
 5 PRACTICE IN DIRECT PATIENT CARE.

6 ~~(4)~~ (5) A DENTAL HYGIENIST PRACTICING UNDER THE  
 7 GENERAL SUPERVISION OF A LICENSED DENTIST IN A LONG-TERM CARE  
 8 FACILITY AND PERFORMING AN AUTHORIZED DENTAL HYGIENE SERVICE FOR A  
 9 PATIENT'S INITIAL APPOINTMENT SHALL:

10 (I) HAVE A WRITTEN AGREEMENT BETWEEN THE  
 11 SUPERVISING DENTIST AND THE DENTAL HYGIENIST THAT CLEARLY SETS  
 12 FORTH THE TERMS AND CONDITIONS UNDER WHICH THE DENTAL HYGIENIST  
 13 MAY PRACTICE, INCLUDING A STATEMENT THAT THE DENTAL HYGIENIST MAY  
 14 PROVIDE DENTAL HYGIENE SERVICES WITHOUT THE SUPERVISING DENTIST ON  
 15 THE PREMISES;

16 (II) ENSURE THAT THE SUPERVISING DENTIST IS  
 17 AVAILABLE FOR CONSULTATION WITH THE DENTAL HYGIENIST:

18 1. IN PERSON;

19 2. BY TELEPHONE; OR

20 3. ELECTRONICALLY;

21 ~~(II)~~ (III) CONSULT WITH THE SUPERVISING DENTIST OR A  
 22 TREATING PHYSICIAN BEFORE PROCEEDING WITH INITIAL TREATMENT IF  
 23 THERE IS A CHANGE IN A RECALL PATIENT'S MEDICAL HISTORY;

24 ~~(III)~~ (IV) ASSESS THE APPROPRIATE RECALL INTERVAL  
 25 BASED ON THE INDIVIDUAL NEEDS OF THE PATIENT, OR AS OTHERWISE  
 26 RECOMMENDED BY THE SUPERVISING DENTIST; ~~AND~~

27 (V) LIMIT DENTAL HYGIENE TASKS AND PROCEDURES TO:

28 1. TOOTHBRUSH PROPHYLAXIS;

29 2. APPLICATION OF FLUORIDE;

30 3. DENTAL HYGIENE INSTRUCTION;

1                   **4. ASSESSMENT OF THE PATIENT'S APPARENT NEED**  
2 **FOR FURTHER EVALUATION BY A DENTIST IN ORDER TO DIAGNOSE THE**  
3 **PRESENCE OF DENTAL DISEASE; AND**

4                   **5. OTHER DUTIES AS MAY BE DELEGATED,**  
5 **VERBALLY OR IN WRITING, BY THE SUPERVISING DENTIST; AND**

6                   **(VI) SUBMIT FINDINGS OF THE INITIAL ASSESSMENT TO THE**  
7 **SUPERVISING DENTIST FOR A DETERMINATION OF FUTURE TREATMENT.**

8                   ~~**(IV) ENSURE THAT THE LONG TERM CARE FACILITY WHERE**~~  
9 ~~**THE DENTAL HYGIENIST PRACTICES UNDER GENERAL SUPERVISION HAS:**~~

10                   ~~**1. A MEDICAL EMERGENCY PLAN; AND**~~

11                   ~~**2. ADEQUATE EQUIPMENT, INCLUDING PORTABLE**~~  
12 ~~**EQUIPMENT AND APPROPRIATE ARMAMENTARIUM AVAILABLE FOR THE**~~  
13 ~~**APPROPRIATE DELIVERY OF DENTAL HYGIENE SERVICES.**~~

14                   **(6) A DENTAL HYGIENIST MAY PERFORM SUBSEQUENT**  
15 **AUTHORIZED DENTAL HYGIENE SERVICES WITHOUT THE SUPERVISING DENTIST**  
16 **ON THE PREMISES ONLY IF:**

17                   **(I) THE SUPERVISING DENTIST EXAMINES THE PATIENT**  
18 **AND AUTHORIZES IN THE PATIENT'S RECORD A PRESCRIPTION OF SPECIFIC**  
19 **TREATMENT TO BE PROVIDED BY THE DENTAL HYGIENIST;**

20                   **(II) AN AUTHORIZED TREATMENT IS PROVIDED BY THE**  
21 **DENTAL HYGIENIST AS SOON AS POSSIBLE, BUT NO LATER THAN 7 MONTHS**  
22 **FROM THE DATE THE PATIENT WAS EXAMINED BY THE SUPERVISING DENTIST;**  
23 **AND**

24                   **(III) UPON EXPIRATION OF A PRESCRIBED TREATMENT, THE**  
25 **SUPERVISING DENTIST IS RESPONSIBLE FOR DETERMINING FUTURE**  
26 **PROTOCOLS FOR THE TREATMENT OF THE PATIENT.**

27                   SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December  
28 31, 2013, the Department of Health and Mental Hygiene shall evaluate the use,  
29 effectiveness, and impact of this Act, and, in accordance with § 2-1246 of the State  
30 Government Article, submit a report of its findings to the Senate Education, Health,  
31 and Environmental Affairs Committee and the House Health and Government  
32 Operations Committee.

33                   SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
34 effect ~~October~~ July 1, 2010. It shall remain effective for a period of 4 years and, at the

1 end of June 30, 2014, with no further action required by the General Assembly, this  
2 Act shall be abrogated and of no further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.