

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 749

(Delegate Kipke, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

Health Occupations - Dental Hygienists - Authority to Prescribe and Administer Medication

This bill authorizes a dental hygienist who complies with specified requirements to prescribe or administer certain medications. The State Board of Dental Examiners must adopt regulations and requirements for dental hygienists to prescribe or administer medication. Before prescribing or administering medication, a dental hygienist must complete any educational requirements established by the board. A dental hygienist prescribing or administering medication must do so under the general supervision of a licensed dentist and in compliance with regulations adopted by the board and applicable provisions of law regarding prescription packaging, labeling, and record keeping.

Fiscal Summary

State Effect: None. The bill is procedural in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: A dental hygienist who complies with specified requirements may prescribe (1) topical and systemic types of prescription or over-the-counter fluoride preparations; (2) topical antimicrobial oral rinses; and (3) ibuprofen not exceeding 600 mg every six hours for up to three days after nonsurgical periodontal therapy.

A dental hygienist may not prescribe or administer a drug that is classified as a controlled dangerous substance, or if the prescription requires a federal Drug Enforcement Agency registration. A dental hygienist may not administer a medication by intramuscular, subcutaneous, intravenous, or intradermal injection, with the exception of local anesthesia.

A dental hygienist who complies with specified requirements may administer medication (including premedication antibiotics by mouth as required for dental treatment, subgingival antibiotics and antimicrobials, and nonopioid pain medication) under a standing order in the patient's record that is authorized by a supervising dentist if the dental hygienist writes in the patient's chart (1) the name of the medication; (2) the date and time of administration; (3) the route of administration; and (4) the dosage of the medication. Before prescribing or administering medication, a dental hygienist must complete educational requirements established by the board through an accredited dental hygiene program.

Current Law: Administering drugs means the direct introduction of a single dosage of a drug or device at a given time, whether by injection or other means, and whether in liquid, tablet, capsule, or other form. Generally, in the practice of dentistry, only a licensed dentist is authorized by law to prescribe nonprescription drugs or devices.

Chapter 106 of 2016 authorized dental hygienists to administer nitrous oxide under certain circumstances and only under the supervision of a dentist. Chapter 111 of 2016 authorized dental hygienists to administer local anesthesia to facilitate the performance of dental hygiene procedures under the supervision of a dentist.

The State Board of Dental Examiners is required to adopt regulations regarding (1) the education, training, evaluation, and examination requirements for a dental hygienist to administer nitrous oxide and local anesthesia and (2) the administration of nitrous oxide and local anesthesia by a dental hygienist. Likewise, a dental hygienist must successfully complete any educational requirements and any written and clinical examination required by the board before administering nitrous oxide.

Background: A licensed dental hygienist has long been authorized to perform a preliminary dental exam; perform a complete prophylaxis, including the removal of any deposit, accretion, or stain from the tooth surface or restoration; polish a tooth or restoration; chart cavities, restorations, missing teeth, periodontal conditions, and other features observed; apply a medicinal agent to a tooth for a prophylactic purpose; take a dental X-ray; or perform any other intraoral function authorized by the board.

Historically, a dental hygienist in Maryland has practiced under the indirect supervision of a dentist, which means the dentist authorizes the procedure and remains in the office while it is being performed. To more efficiently serve patients and promote proper preventive

oral health care, dentistry practices in Maryland have trended toward permitting hygienists to work under less restrictive supervisory requirements. For example:

- Chapters 164 and 165 of 2007 allowed a dental hygienist who is authorized to practice under a licensed dentist's general supervision in a government-owned and -operated facility or public health department to apply fluoride, mouth rinse, or varnish.
- Chapter 316 of 2008 authorized a dental hygienist who is a permanent or contractual employee of the federal government, a State or local government, or a federally qualified health center and working in specified facilities to apply fluoride and sealants under the general supervision of a licensed dentist.
- Chapter 316 also expanded the types of facilities in which a dental hygienist may practice under general supervision, specified that these facilities are not required to obtain a general supervision waiver, and repealed the requirement that a dentist or physician evaluate or diagnose a patient before a dental hygienist can treat the patient in these facilities.
- Chapters 565 and 566 of 2009 expanded the scope of practice for a dental hygienist by allowing a dental hygienist to perform manual curettage in conjunction with scaling and root planing and to administer local anesthesia.
- Chapter 733 of 2010 authorized a dental hygienist to practice in a long-term care facility under the general supervision of a dentist. Chapter 381 of 2014 made these provisions permanent.
- Chapters 271 and 272 of 2011 allowed a dental hygienist to monitor a patient to whom nitrous oxide is being administered. Chapter 382 of 2014 made these provisions permanent.
- Chapter 220 of 2012 allowed dental hygienists to administer local anesthesia by inferior alveolar nerve block.

State Board of Dental Examiners

The board is mandated to protect the public by regulating the practice of dentistry and dental hygiene in Maryland. Among the enumerated duties, the board issues licenses, adopts standards of practice for dentistry, investigates complaints based on alleged violations of regulations and statutes, and disciplines licensees. As of January 2020, approximately 22,200 licenses, certificates, and permits were held by dentists, dental hygienists, and dental radiation technologists in the State; 3,807 are individuals with active dental hygienist licenses.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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