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SENATE BILL 1337
Health Care Committee Substitute Adopted 5/2/07
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Short Title: Amend Dental Hygiene Act.

(Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

AN ACT AMENDING THE NORTH CAROLINA DENTAL HYGIENE ACT TO
PROVIDE FOR CERTAIN ACTIVITIES TO BE PERFORMED BY LICENSED
HYGIENISTS OUTSIDE THE DIRECT SUPERVISION OF A DENTIST.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-221 reads as rewritten:

"§ 90-221. Definitions.

(a) "Dental hygiene" as used in this Article shall mean the performance of the following functions: Complete oral prophylaxis, application of preventive agents to oral structures, exposure and processing of radiographs, administration of medicaments prescribed by a licensed dentist, preparation of diagnostic aids, and written records of oral conditions for interpretation by the dentist, together with such other and further functions as may be permitted by rules and regulations of the Board not inconsistent herewith.

(b) "Dental hygienist" as used in this Article, shall mean any person who is a graduate of a Board-accredited school of dental hygiene, who has been licensed by the Board, and who practices dental hygiene as prescribed by the Board.

(c) "License" shall mean a certificate issued to any applicant upon completion of requirements for admission to practice dental hygiene.

(d) "Renewal certificate" shall mean the annual certificate of renewal of license to continue practice of dental hygiene in the State of North Carolina.

(e) "Board" shall mean "The North Carolina State Board of Dental Examiners" created by Chapter 139, Public Laws of 1879, and Chapter 178, Public Laws of 1915 as continued in existence by G.S. 90-22.

(f) "Supervision" as used in this Article shall mean that acts are deemed to be under the supervision of a licensed dentist when performed in a locale where a licensed dentist is physically present during the performance of such ~~acts~~ acts, except those acts

1 performed under direction and in compliance with G.S. 90-233(a) or G.S. 90-233(a1),
2 and such acts are being performed pursuant to the dentist's order, control and approval."

3 **SECTION 2.** G.S. 90-233 reads as rewritten:

4 "**§ 90-233. Practice of dental hygiene.**

5 (a) A dental hygienist may practice only under the supervision of one or more
6 licensed dentists. This subsection shall be deemed to be complied with in the case of
7 dental hygienists employed by or under contract with a local health department or State
8 government dental public health program and especially trained by the Dental Health
9 Section of the Department of Health and Human Services as public health hygienists,
10 while performing their duties for the persons officially served by the local health
11 department or State government program under the direction of a duly licensed dentist
12 employed by that program or by the Dental Health Section of the Department of Health
13 and Human Services.

14 (a1) A dental hygienist who has three years of experience in clinical dental
15 hygiene or a minimum of 2,000 hours performing primarily prophylaxis or periodontal
16 debridement under the supervision of a licensed dentist, who completes annual CPR
17 certification, who completes six hours each year of Board-approved continuing
18 education in medical emergencies in addition to the requirements of G.S. 90-225.1, and
19 who is designated by the employing dentist as being capable of performing clinical
20 hygiene procedures without the direct supervision of the dentist, may perform one or
21 more dental hygiene functions as described in G.S. 90-221(a) without a licensed dentist
22 being physically present if all of the following conditions are met:

23 (1) A licensed dentist directs in writing the hygienist to perform the dental
24 hygiene functions.

25 (2) The licensed dentist has personally conducted an evaluation of the
26 patient which shall include a complete oral examination of the patient,
27 a thorough analysis of the patient's health history, a diagnosis of the
28 patient's condition, and a specific written plan for treatment.

29 (3) The dental hygiene functions directed to be performed in accordance
30 with this subsection shall be conducted within 120 days of the dentist's
31 evaluation.

32 (4) The services are performed in nursing homes; rest homes; long-term
33 care facilities; rural and community clinics operated by Board-approved nonprofits;
34 rural and community clinics operated by federal, State, county, or local governments;
35 and any other facilities identified by the Office of Rural Health and approved by the
36 Board as serving dental access shortage areas.

37 (a2) A dental hygienist shall not establish or operate a separate care facility that
38 exclusively renders dental hygiene services.

39 (a3) A dental hygienist who has been disciplined by the Board may not practice
40 outside the direct supervision of a dentist under G.S. 90-233(a1). A dentist who has
41 been disciplined by the Board may not allow a hygienist to work outside of that dentist's
42 direct supervision under G.S. 90-233(a1).

43 (a4) Each dentist who chooses to order dental hygiene services under
44 G.S. 90-233(a1) shall report annually to the Board the number of patients who were

1 treated outside the direct supervision of the dentist, the location in which the services
2 were performed by the hygienist, and a description of any adverse circumstances which
3 occurred during or after the treatment, if any. The dentist's report shall not identify
4 hygienists or patients by name or any other identifier.

5 (a5) Clinical dental hygiene services shall be provided in compliance with both
6 CDC and OSHA standards for infection control and patient treatment.

7 (b) A dentist in private practice may not employ more than two dental hygienists
8 at one and the same time who are employed in clinical dental hygiene positions.

9 (c) Dental hygiene may be practiced only by the holder of a license or
10 provisional license currently in effect and duly issued by the Board. The following acts,
11 practices, functions or operations, however, shall not constitute the practice of dental
12 hygiene within the meaning of this Article:

13 (1) The teaching of dental hygiene in a school or college approved by the
14 Board in a board-approved program by an individual licensed as a
15 dental hygienist in any state in the United States.

16 (2) Activity which would otherwise be considered the practice of dental
17 hygiene performed by students enrolled in a school or college
18 approved by the Board in a board-approved dental hygiene program
19 under the direct supervision of a dental hygienist or a dentist duly
20 licensed in North Carolina or qualified for the teaching of dentistry
21 pursuant to the provisions of G.S. 90-29(c)(3), acting as an instructor.

22 (3) Any act or acts performed by an assistant to a dentist licensed to
23 practice in this State when said act or acts are authorized and permitted
24 by and performed in accordance with rules and regulations
25 promulgated by the Board.

26 (4) Dental assisting and related functions as a part of their instructions by
27 students enrolled in a course in dental assisting conducted in this State
28 and approved by the Board, when such functions are performed under
29 the supervision of a dentist acting as a teacher or instructor who is
30 either duly licensed in North Carolina or qualified for the teaching of
31 dentistry pursuant to the provisions of G.S. 90-29(c)(3)."

32 **SECTION 3.** This act is effective when it becomes law.