

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 286
Committee Substitute Favorable 3/25/15

Short Title: Dental Hygienists/Intraoral Local Anesthetics.

(Public)

Sponsors:

Referred to:

March 19, 2015

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE DENTAL HYGIENE ACT TO AUTHORIZE PROPERLY
3 TRAINED DENTAL HYGIENISTS TO ADMINISTER INTRAORAL LOCAL DENTAL
4 ANESTHETICS UNDER THE DIRECT SUPERVISION OF A LICENSED DENTIST.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 90-29(b)(6) reads as rewritten:

7 "(b) A person shall be deemed to be practicing dentistry in this State who does,
8 undertakes or attempts to do, or claims the ability to do any one or more of the following acts
9 or things which, for the purposes of this Article, constitute the practice of dentistry:

10 ...

11 (6) Administers an anesthetic of any kind in the treatment of dental or oral
12 diseases or physical conditions, or in preparation for or incident to any
13 operation within the oral cavity; provided, however, that this subsection shall
14 not apply to a lawfully qualified nurse anesthetist who administers such
15 anesthetic under the supervision and direction of a licensed dentist or
16 ~~physician;~~physician or to a lawfully certified dental hygienist who
17 administers intraoral local dental anesthetics by infiltration and block
18 techniques under the direct supervision of a dentist licensed in this State;"

19 SECTION 2. G.S. 90-221 reads as rewritten:

20 "§ 90-221. Definitions.

21 The following definitions apply in this Article:

22 (1) Board. – The North Carolina State Board of Dental Examiners created by
23 Chapter 139, Public Laws of 1879, and Chapter 178, Public Laws of 1915,
24 as continued in existence by G.S. 90-22.

25 (a)(2) ~~"Dental hygiene" as used in this Article shall mean the~~Dental hygiene. – The
26 performance of the following functions:

27 a. Complete oral prophylaxis, application of preventive agents to oral
28 structures, exposure and processing of radiographs, administration of
29 medicaments prescribed by a licensed dentist, preparation of
30 diagnostic aids, and written records of oral conditions for
31 interpretation by the dentist, together with such other and further
32 functions as may be permitted by rules and regulations of the Board
33 not inconsistent herewith.

34 b. For a dental hygienist who has completed additional training and is
35 currently certified as required by G.S. 90-223(a6), the term also
36 includes administration of intraoral local dental anesthetics by



1 infiltration and block techniques, but only under the direct
2 supervision of a dentist licensed in this State.

3 ~~(b)(3) "Dental hygienist" as used in this Article, shall mean any Dental hygienist. –~~
4 Any person who is a graduate of a Board-accredited school of dental
5 hygiene, who has been licensed by the Board, and who practices dental
6 hygiene as prescribed by the Board.

7 ~~(e)(4) "License" shall mean a License. – A~~ certificate issued to any applicant upon
8 completion of requirements for admission to practice dental hygiene.

9 ~~(d)(5) "Renewal certificate" shall mean the~~Renewal certificate. – The annual
10 certificate of renewal of license to continue practice of dental hygiene in the
11 State of North Carolina.

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

15 ~~(f)(6) "Supervision" as used in this Article shall mean that acts~~Supervision. – Acts
16 are deemed to be under the supervision of a licensed dentist when performed
17 in a locale where a licensed dentist is physically present during the
18 performance of such acts, except those acts performed under direction and in
19 compliance with G.S. 90-233(a) or ~~G.S. 90-233(a1), and such~~
20 ~~acts~~G.S. 90-233(a1), and that are being performed pursuant to the dentist's
21 order, control and approval."

22 **SECTION 3.** G.S. 90-233(a1) reads as rewritten:

23 "(a1) A dental hygienist who has three years of experience in clinical dental hygiene or a
24 minimum of 2,000 hours performing primarily prophylaxis or periodontal debridement under
25 the supervision of a licensed dentist, who (i) completes annual CPR certification, ~~who~~ (ii)
26 completes six hours each year of Board-approved continuing education in medical emergencies
27 in addition to the requirements of G.S. 90-225.1, and ~~who~~ (iii) is designated by the employing
28 dentist as being capable of performing clinical hygiene procedures without the direct
29 supervision of the dentist, may perform one or more dental hygiene functions as described in
30 ~~G.S. 90-221(a)~~G.S. 90-221(2)a. without a licensed dentist being physically present if all of the
31 following conditions are met:

- 32 (1) A licensed dentist directs in writing the hygienist to perform the dental
33 hygiene functions.
- 34 (2) The licensed dentist has personally conducted an evaluation of the patient
35 which shall include a complete oral examination of the patient, a thorough
36 analysis of the patient's health history, a diagnosis of the patient's condition,
37 and a specific written plan for treatment.
- 38 (3) The dental hygiene functions directed to be performed in accordance with
39 this subsection shall be conducted within 120 days ~~of~~ after the dentist's
40 evaluation.
- 41 (4) The services are performed in nursing homes; rest homes; long-term care
42 facilities; rural and community clinics operated by Board-approved
43 nonprofits; rural and community clinics operated by federal, State, county,
44 or local governments; and any other facilities identified by the Office of
45 Rural Health and approved by the Board as serving dental access shortage
46 areas."

47 **SECTION 4.** G.S. 90-233 is amended by adding a new subsection to read:

48 "(a6) A dental hygienist who has completed a program approved by the Board in
49 accordance with G.S. 90-233.6 and who has been properly certified by the Board may
50 administer intraoral local dental anesthetics by infiltration and block techniques, but only under
51 the direct supervision of a dentist licensed in this State."

1 SECTION 5. Article 16 of Chapter 90 of the General Statutes is amended by
2 adding a new section to read:

3 "§ 90-233.5. Board certification of properly trained dental hygienists to administer
4 intraoral local dental anesthetics.

5 The Board shall certify a licensed dental hygienist who has completed a program approved
6 by the Board in accordance with G.S. 90-233.6 to administer intraoral local dental anesthetics,
7 but only under the direct supervision of a dentist licensed in this State."

8 SECTION 6. Article 16 of Chapter 90 of the General Statutes is amended by
9 adding a new section to read:

10 "§ 90-233.6. Board approval of programs to qualify dental hygienists to administer
11 intraoral local dental anesthetics.

12 (a) The Board is authorized to approve any program that qualifies dental hygienists to
13 administer intraoral local dental anesthetics as described in G.S. 90-221(2)b. The Board's
14 authority includes approval over the content of required courses, the length of training, and the
15 nature of a subsequent preceptorship under a dentist licensed and practicing in this State. The
16 Board shall not approve any certification program that does not, at a minimum, require all of
17 the following:

- 18 (1) Instruction using lecture and laboratory or clinical formats at the University
19 of North Carolina School of Dentistry, the East Carolina University School
20 of Dental Medicine, or both.
- 21 (2) Instruction by a dentist who has a DDS or DMD degree from a program of
22 dentistry in a school or college accredited by the Commission on Dental
23 Accreditation of the American Dental Association and approved by the
24 Board.
- 25 (3) A faculty to student ratio of no greater than 1:4 for laboratory or clinical
26 instruction.
- 27 (4) Instruction to enable attainment of a minimum level of competence and,
28 upon successful attainment of that minimum level of competence, issuance
29 of a certificate of completion.
- 30 (5) Completion of a training program that includes, at a minimum, a three-day
31 session on intraoral local dental anesthetics that includes all of the following:
 - 32 a. 14 lecture hours on pharmacology, physiology, equipment, and
33 technique.
 - 34 b. Three lecture hours on medical emergencies.
 - 35 c. A two-hour laboratory or clinical course.
 - 36 d. Three one-hour evaluations of a student's competence.
- 37 (6) Within 12 months after successful completion of a training program that
38 meets the requirements of subdivision (5) of this subsection, completion of a
39 six-month preceptorship that includes a minimum of 750 hours performing
40 primarily the administration of intraoral local dental anesthetics by
41 infiltration and block techniques under the direct supervision of a dentist
42 licensed and practicing in this State. The preceptorship process shall (i)
43 include a comprehensive evaluation and assessment of the dental hygienist's
44 knowledge and abilities in administration of intraoral local dental anesthetics
45 and (ii) require the preceptor dentist to execute a certificate of qualification
46 upon successful completion of the preceptorship to demonstrate that the
47 dental hygienist is qualified to administer intraoral local dental anesthetics as
48 described in G.S. 90-221(2)b.

49 (b) The Board may approve an application by a dental hygienist licensed under
50 G.S. 90-225 to administer intraoral local dental anesthetics as described in G.S. 90-221(2)b.
51 without completing a program approved by the Board in accordance with subsection (a) of this

1 section upon evidence that (i) the licensed dental hygienist was qualified to administer intraoral
2 local dental anesthetics in another state, country, or territory and (ii) the education, training, and
3 qualification requirements for administering intraoral local dental anesthetics in the other
4 jurisdiction are substantially equivalent to the requirements of subsection (a) of this section. If
5 the Board determines that the education, training, and qualification requirements of the other
6 jurisdiction are not substantially equivalent to the requirements of subsection (a) of this section,
7 the Board may require the licensed dental hygienist to complete all or parts of the requirements
8 specified in subsection (a) of this section in order to become qualified to administer intraoral
9 local dental anesthetics in this State.

10 (c) The Board shall require a dental hygienist to annually submit to the Board evidence
11 of continuing competence to administer intraoral local dental anesthetics as described in
12 G.S. 90-221(2)b. Evidence of continuing competence shall be satisfied upon demonstration that
13 the dental hygienist has completed annual CPR certification and at least two hours each year of
14 Board-approved continuing education related to the administration of intraoral local dental
15 anesthetics. The Board may apply these continuing education hours toward satisfaction of the
16 continuing education requirements for hygienists by the Board under G.S. 90-225.1, or the
17 Board may require that the two hours of annual continuing education for intraoral local dental
18 anesthetics-qualified dental hygienists required by this subsection be completed in addition to
19 the hours required under G.S. 90-225.1."

20 **SECTION 7.** The North Carolina Board of Dental Examiners shall, under
21 G.S. 90-48, 90-222, and 90-223(b), have full power and authority to adopt rules not
22 inconsistent with Article 2 and Article 16 of Chapter 90 of the General Statutes to implement
23 and enforce the provisions of this act.

24 **SECTION 8.** G.S. 90-233.1 is recodified as G.S. 90-233.10 under Article 16 of
25 Chapter 90 of the General Statutes.

26 **SECTION 9.** G.S. 90-233.1 through G.S. 90-233.4 are reserved for future
27 codification purposes.

28 **SECTION 10.** This act becomes effective January 1, 2016.