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HOUSE DRH20098-MGqq-43 (02/19)

Short Title: Dental Hygienists/Intraoral Local Anesthetics. (Public)

Sponsors: Representative Jones.

Referred to:

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. 90-221 reads as rewritten:

7 "§ 90-221. Definitions.

8 The following definitions apply in this Article:

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

12 (a)(2) ~~"Dental hygiene" as used in this Article shall mean the~~Dental hygiene. – The
13 performance of the following functions: Complete oral prophylaxis,
14 application of preventive agents to oral structures, exposure and processing
15 of radiographs, administration of medicaments prescribed by a licensed
16 dentist, preparation of diagnostic aids, and written records of oral conditions
17 for interpretation by the dentist, together with such other and further
18 functions as may be permitted by rules and regulations of the Board not
19 inconsistent herewith. For a dental hygienist who has completed additional
20 training and is currently certified as required by G.S. 90-223(a6), the term
21 also includes administration of intraoral local dental anesthetics by
22 infiltration and block techniques, but only under the direct supervision of a
23 dentist licensed in this State.

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

28 (4) Direct supervision. – Acts are deemed to be under direct supervision of a
29 licensed dentist when performed in a locale where the supervising licensed
30 dentist is physically present during the performance of such acts. The term
31 does not include lesser supervision under G.S. 90-233(a) or G.S. 90-233(a1).

32 (e)(5) ~~"License" shall mean a~~License. – A certificate issued to any applicant upon
33 completion of requirements for admission to practice dental hygiene.

34 (d)(6) ~~"Renewal certificate" shall mean the~~Renewal certificate. – The annual
35 certificate of renewal of license to continue practice of dental hygiene in the
36 State of North Carolina.



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

4 (f)(7) "Supervision" as used in this Article shall mean that actsSupervision. – Acts
5 are deemed to be under the supervision of a licensed dentist when performed
6 in a locale where a licensed dentist is physically present during the
7 performance of such acts, except those acts performed under direction and in
8 compliance with G.S. 90-233(a) or G.S. 90-233(a1), and such
9 actsG.S. 90-233(a1), and which are being performed pursuant to the dentist's
10 order, control and approval."

11 **SECTION 2.** G.S. 90-233(a1) reads as rewritten:

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

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

36 **SECTION 3.** G.S. 90-233 is amended by adding a new subsection to read:

37 "(a6) A dental hygienist who has completed a program approved by the Board in
38 accordance with G.S. 90-233.5, may administer intraoral local dental anesthetics by infiltration
39 and block techniques, but only under the direct supervision of a dentist licensed in this State."

40 **SECTION 4.** Article 16 of Chapter 90 of the General Statutes is amended by
41 adding a new section to read:

42 "§ 90-233.5. Board approval of programs to qualify dental hygienists to administer
43 intraoral local dental anesthetics.

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

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

32 (b) The Board may approve an application by a dental hygienist licensed under
33 G.S. 90-225 to administer intraoral local dental anesthetics as described in G.S. 90-221(2)
34 without completing a program approved by the Board in accordance with subsection (a) of this
35 section upon evidence that (i) the licensed dental hygienist was qualified to administer intraoral
36 local dental anesthetics in another state, country, or territory and (ii) the education, training, and
37 qualification requirements for administering intraoral local dental anesthetics in the other
38 jurisdiction are substantially equivalent to the requirements of subsection (a) of this section. If
39 the Board determines that the education, training, and qualification requirements of the other
40 jurisdiction are not substantially equivalent to the requirements of subsection (a) of this section,
41 the Board may require the licensed dental hygienist to complete all or parts of the requirements
42 specified in subsection (a) of this section in order to become qualified to administer intraoral
43 local dental anesthetics in this State.

44 (c) The Board shall require a dental hygienist to annually submit to the Board evidence
45 of continuing competence to administer intraoral local dental anesthetics as described in
46 G.S. 90-221(2). Evidence of continuing competence shall be satisfied upon demonstration that
47 the dental hygienist has completed annual CPR certification and at least two hours each year of
48 Board-approved continuing education related to the administration of intraoral local dental
49 anesthetics. The Board may apply these continuing education hours toward satisfaction of the
50 six hours of continuing education in medical emergencies required each year of licensed dental

1 hygienists pursuant to G.S. 90-233(a1), or require that these hours be completed in addition to
2 the six hours required by G.S. 90-225.1.

3 (d) As long as a lawfully authorized dental hygienist qualified to administer intraoral
4 local dental anesthetics is properly working under the direct supervision of a dentist licensed to
5 practice in North Carolina, the administration of intraoral local dental anesthetics by the dental
6 hygienist shall not be prohibited or otherwise limited by G.S. 90-29(b)(6)."

7 **SECTION 5.** The North Carolina Board of Dental Examiners shall, under
8 G.S. 90-48, 90-222, and 90-223(b), have full power and authority to adopt rules not
9 inconsistent with Article 2 and Article 16 of Chapter 90 of the General Statutes to implement
10 and enforce the provisions of this act.

11 **SECTION 6.** G.S. 90-233.1 is recodified as G.S. 90-233.10 under Article 16 of
12 Chapter 90 of the General Statutes.

13 **SECTION 7.** G.S. 90-233.1 through G.S. 90-233.4 are reserved for future
14 codification purposes.

15 **SECTION 8.** This act becomes effective January 1, 2016.