

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 286  
PROPOSED COMMITTEE SUBSTITUTE H286-PCS10151-TK-1

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



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

~~(b)(3) "Dental hygienist" as used in this Article, shall mean any Dental hygienist. – 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.~~

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

~~(d)(5) "Renewal certificate" shall mean the Renewal certificate. – 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)(6) "Supervision" as used in this Article shall mean that acts Supervision. – 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, except those acts performed under direction and in compliance with G.S. 90-233(a) or G.S. 90-233(a1), and such acts G.S. 90-233(a1), and that are being performed pursuant to the dentist's order, control and approval."~~

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

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

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

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

"(a6) A dental hygienist who has completed a program approved by the Board in accordance with G.S. 90-233.6 and who has been properly certified by the Board may administer intraoral local dental anesthetics by infiltration and block techniques, but only under 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.