

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 564
Committee Substitute Favorable 4/15/97
Committee Substitute #2 Favorable 4/30/97

Short Title: Supervising Dental Hygienists.

(Public)

Sponsors:

Referred to:

March 20, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DEFINITION OF DENTAL HYGIENIST, TO ALLOW DENTAL HYGIENISTS TO PERFORM CERTAIN ACTS WITHOUT THE ON-SITE SUPERVISION OF A LICENSED DENTIST, TO ALLOW DENTISTS TO EMPLOY MORE THAN TWO DENTAL HYGIENISTS AT ONE TIME AND TO STUDY ALTERNATIVE DENTAL HYGIENE EDUCATION AND TRAINING.

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~~ The following definitions apply in this Article:

(1) Dental hygiene. – The performance of the following functions:

- a. ~~Complete oral prophylaxis, prophylaxis.~~
- b. ~~application~~ Application of preventive agents to oral ~~structures,~~ exposure structures.
- c. Exposure and processing of ~~radiographs,~~ administration radiographs.

- 1 d. ~~Administration of medicaments prescribed by a licensed dentist,~~
2 ~~preparation dentist.~~
- 3 e. ~~Preparation of diagnostic aids, aids and written records of oral~~
4 ~~conditions for interpretation by the dentist, together with such~~
5 ~~other and further functions as may be permitted by rules and~~
6 ~~regulations of the Board not inconsistent herewith. dentist.~~
- 7 f. ~~Any other functions permitted by rules of the Board consistent~~
8 ~~with this Article.~~
- 9 (b) ~~"Dental hygienist" as used in this Article, shall mean any~~
10 (2) Dental hygienist. – A person who is a graduate of a Board-accredited
11 school of dental hygiene, who has been licensed by the Board, and who
12 practices dental hygiene as prescribed by the Board.
- 13 (e) ~~"License" shall mean a~~
14 (3) License. – A certificate issued to any applicant upon completion of
15 requirements for admission to practice dental hygiene.
- 16 (d) ~~"Renewal certificate" shall mean the~~
17 (4) Renewal certificate. – The annual certificate of renewal of license to
18 continue practice of dental hygiene in the State of North Carolina.
- 19 (e) ~~"Board" shall mean "The~~
20 (5) Board. – The North Carolina State Board of Dental
21 ~~Examiners" Examiners~~ created by Chapter 139, Public Laws of 1879, and
22 Chapter 178, Public Laws of 1915 as continued in existence by G.S. 90-
23 22.
- 24 (f) ~~"Supervision" as used in this Article shall mean that acts are deemed to be~~
25 ~~under the~~
26 (6) Supervision. – ~~supervision of a licensed dentist when supervision of a~~
27 ~~dental hygienist by a licensed dentist is when the acts performed by the~~
28 ~~dental hygienist are performed in a locale where a licensed dentist is~~
29 ~~physically present during the performance of such the acts and such the~~
30 ~~acts are being performed pursuant to the dentist's order, control control,~~
31 ~~and approval."~~

32 Section 2. G.S. 90-233 reads as rewritten:

33 **"§ 90-233. Practice of dental hygiene. hygiene; exceptions to on-site supervision.**

34 (a) A dental hygienist may practice only under the supervision of one or more
35 licensed dentists. Provided, however, ~~that this subsection (a) shall be deemed to be complied~~
36 ~~with in the case of dental that:~~

- 37 (1) Dental hygienists employed by the Department of Environment, Health,
38 and Natural Resources and especially trained by said that Department as
39 public health hygienists are considered to be practicing under the
40 supervision of a licensed dentist while performing their duties in the
41 public schools under the direction of a duly licensed dentist.
- 42 (2) In isolated and nonroutine incidents, when it becomes necessary for the
43 supervising dentist to be absent from the dental office for not more than

1 two hours in any day, the supervising dentist may assign to licensed and
2 registered dental hygienists legally delegable duties to be performed in
3 the dentist's absence if both the dental hygienist and the patient, who
4 must be a patient of record, consent.

5 (3) A dental hygienist who has completed five years of dentist, on-site,
6 supervised clinical experience may practice without a dentist on-site in a
7 nursing home, as defined in G.S. 131E-101(6), under the authorization
8 of a licensed dentist and under the following conditions:

9 a. The dentist must preexamine each patient no more than 45 days
10 prior to the initiation of treatment, prepare a written treatment
11 plan for the patient, and examine the patient at least one time per
12 year thereafter, so long as treatment continues; and

13 b. A dental hygienist may not practice in a nursing home unless a
14 health care professional, trained in emergency medical treatment,
15 is present on the premises during any dental hygiene treatment.

16 (b) ~~A dentist in private practice may not employ more than two dental hygienists~~
17 ~~at one and the same time who are employed in clinical dental hygiene positions. A dentist~~
18 ~~in private practice may not supervise more than three dental hygienists at one time.~~
19 ~~However, the Board may adopt rules authorizing the supervision of more than three~~
20 ~~dental hygienists in specific circumstances which the Board deems appropriate.~~

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

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

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

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

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

1 Section 3. The Department of Community Colleges, the University of North
2 Carolina at Chapel Hill, and the Board of Dental Examiners are directed, under their
3 statutory and independent powers, to consider developing dental hygiene education and
4 training programs that include night classes, remote teleconferencing, and other
5 reasonable measures, consistent with the standards set by the Commission of Dental
6 Accreditation, to assist dental hygiene students who desire or need to continue their
7 employment while they attend school.

8 Section 4. This act is effective when it becomes law.