

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2015**

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**SENATE BILL 440**

Short Title: Let Dental Hygienists Administer Anesthetics. (Public)

Sponsors: Senator J. Davis (Primary Sponsor).

Referred to: Rules and Operations of the Senate.

March 26, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE DENTAL HYGIENE ACT TO AUTHORIZE PROPERLY  
3 TRAINED DENTAL HYGIENISTS TO ADMINISTER 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 "The following definitions apply in this Article:

8 ~~(a)(1) "Dental hygiene" as used in this Article shall mean the~~ Dental hygiene. – The  
9 performance of the following functions: Complete oral prophylaxis,  
10 application of preventive agents to oral structures, exposure and processing  
11 of radiographs, administration of medicaments prescribed by a licensed  
12 dentist, preparation of diagnostic aids, and written records of oral conditions  
13 for interpretation by the dentist, together with such other and further  
14 functions as may be permitted by rules and regulations of the Board not  
15 inconsistent herewith. For a dental hygienist who has completed additional  
16 training and is currently certified as required by G.S. 90-223(a6), the term  
17 also includes administration of local dental anesthetics by infiltration and  
18 block techniques, but only under the direct supervision of a dentist licensed  
19 in this State.

20 ~~(b)(2) "Dental hygienist" as used in this Article, shall mean any~~ Dental hygienist. –  
21 Any person who is a graduate of a Board-accredited school of dental  
22 hygiene, who has been licensed by the Board, and who practices dental  
23 hygiene as prescribed by the Board.

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

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

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

33 ~~(e)(6) "Board" shall mean "The~~ Board. – The North Carolina State Board of Dental  
34 ~~Examiners~~ Examiners created by Chapter 139, Public Laws of 1879, and  
35 Chapter 178, Public Laws of 1915 as continued in existence by G.S. 90-22.



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

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

9           "(a1) A dental hygienist who has three years of experience in clinical dental hygiene or a  
10          minimum of 2,000 hours performing primarily prophylaxis or periodontal debridement under  
11          the supervision of a licensed dentist, who (i) completes annual CPR certification, who (ii)  
12          completes six hours each year of Board-approved continuing education in medical emergencies  
13          in addition to the requirements of G.S. 90-225.1, and who (iii) is designated by the employing  
14          dentist as being capable of performing clinical hygiene procedures without the direct  
15          supervision of the dentist, may perform one or more dental hygiene functions as described in  
16          ~~G.S. 90-221(a)~~ G.S. 90-221(1) without a licensed dentist being physically present if all of the  
17          following conditions are met:

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

33          **SECTION 3.** G.S. 90-233 is amended by adding new subsections to read:

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

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

39          "**§ 90-233.5. Board approval of programs to qualify dental hygienists to administer local**  
40          **anesthetics.**

41          (a) The Board is authorized to approve any program that qualifies dental hygienists to  
42          administer local anesthetics as described in G.S. 90-221(1). The Board's authority includes  
43          approval over the content of required courses, the length of training, and the nature of a  
44          subsequent preceptorship under a dentist licensed and practicing in this State. The Board shall  
45          not approve any certification program that does not, at a minimum, require all of the following:

- 46           (1) Instruction using lecture and laboratory or clinical formats at the University  
47           of North Carolina School of Dentistry, the East Carolina University School  
48           of Dental Medicine, or both.
- 49           (2) Instruction by a dentist who has a DDS or DMD degree from a program of  
50           dentistry in a school or college accredited by the Commission on Dental

1 Accreditation of the American Dental Association and approved by the  
2 Board.

3 (3) A faculty to student ratio of no greater than 1:4 for laboratory or clinical  
4 instruction.

5 (4) Instruction to enable attainment of a minimum level of competence and upon  
6 successful attainment of that minimum level of competence, issuance of a  
7 certificate of completion.

8 (5) Completion of a training program that includes, at a minimum, a three-day  
9 session on local anesthetics that includes all of the following:

10 a. Fourteen lecture hours on pharmacology, physiology, equipment, and  
11 technique.

12 b. Three lecture hours on medical emergencies.

13 c. A two-hour laboratory or clinical course.

14 d. Three one-hour evaluations of a student's competence.

15 (6) Within 12 months after successful completion of a training program that  
16 meets the requirements of subdivision (5) of this subsection, completion of a  
17 six-month preceptorship that includes a minimum of 750 hours performing  
18 primarily the administration of local dental anesthetics by infiltration and  
19 block techniques under the direct supervision of a dentist licensed and  
20 practicing in this State. The preceptorship process shall (i) include a  
21 comprehensive evaluation and assessment of the dental hygienist's  
22 knowledge and abilities in administration of local dental anesthetics and (ii)  
23 require the preceptor dentist to execute a certificate of qualification upon  
24 successful completion of the preceptorship to demonstrate that the dental  
25 hygienist is qualified to administer local dental anesthetics as described in  
26 G.S. 90-221(1).

27 (b) The Board may approve an application by a dental hygienist licensed under  
28 G.S. 90-225 to administer local dental anesthetics as described in G.S. 90-221(1) without  
29 completing a program approved by the Board in accordance with subsection (a) of this section  
30 upon evidence that (i) the licensed dental hygienist was qualified to administer local dental  
31 anesthetics in another state, country, or territory and (ii) the education, training, and  
32 qualification requirements for administering local dental anesthetics in the other jurisdiction are  
33 substantially equivalent to the requirements of subsection (a) of this section. If the Board  
34 determines that the education, training, and qualification requirements of the other jurisdiction  
35 are not substantially equivalent to the requirements of subsection (a) of this section, the Board  
36 may require the licensed dental hygienist to complete all or parts of the requirements specified  
37 in subsection (a) of this section in order to become qualified to administer local dental  
38 anesthetics in this State.

39 (c) The Board shall require a dental hygienist to annually submit to the Board evidence  
40 of continuing competence to administer local dental anesthetics as described in G.S. 90-221(1).  
41 Evidence of continuing competence shall be satisfied upon demonstration that the dental  
42 hygienist has completed annual CPR certification and at least two hours each year of  
43 Board-approved continuing education related to the administration of local dental anesthetics.  
44 The Board may apply these continuing education hours toward satisfaction of the six hours of  
45 continuing education in medical emergencies required each year of licensed dental hygienists  
46 pursuant to G.S. 90-233(a1), or require that these hours be completed in addition to the six  
47 hours required by G.S. 90-233(a1).

48 (d) The Board may adopt rules not inconsistent with the provisions of this Article or  
49 Article 2 of Chapter 90 which are reasonably necessary to implement, administer, and enforce  
50 the provisions of this section."

1           **SECTION 5.** G.S. 90-233.1 is recodified as G.S. 90-233.10 under Article 16 of  
2 Chapter 90 of the General Statutes.

3           **SECTION 6.** G.S. 90-233.1 through G.S. 90-233.4 are reserved for future  
4 codification purposes.

5           **SECTION 7.** This act becomes effective January 1, 2016.