

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS55373-LU-57 (02/28)

Short Title: Amend Dental Hygiene Act.

(Public)

Sponsors: Senator Purcell.

Referred to:

A BILL TO BE ENTITLED

AN ACT AMENDING THE NORTH CAROLINA DENTAL HYGIENE ACT TO
PROVIDE FOR CERTAIN ACTIVITIES TO BE PERFORMED BY LICENSED
HYGIENISTS WITH LIMITED SUPERVISION.

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

(b) "Dental hygienist" as used in this Article, shall mean 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.

(c) "License" shall mean a certificate issued to any applicant upon completion of requirements for admission to practice dental hygiene.

(c1) "Limited supervision hygienist" as used in this Article shall mean a dental hygienist who meets the following requirements:

(1) 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.

(2) Has an annual CPR certification.

(3) Completes six hours each year of continuing education in medical emergencies.

1 (c2) "Limited supervision procedure" shall mean taking impressions for study
2 models and opposing casts that are not used for construction of dental appliances, but
3 may be used for the fabrication of bleaching trays and occlusal guards; applying
4 sealants to teeth that do not require mechanical alteration before the appliance of the
5 sealants; cementing temporary restorations using temporary cement; applying acid etch
6 materials and rinses; applying bonding agents; removing periodontal dressings; placing
7 and removing temporary restorations; applying dentin desensitizing solutions;
8 performing periodontal screening; performing periodontal probing; performing
9 subgingival exploration for or removing hard and soft deposits; applying resorbable
10 antibiotic agents prescribed by a dentist; performing radiographs; administering fluoride
11 treatments; polishing teeth; and cleaning teeth, including cleaning with sonic and
12 ultrasonic power instruments.

13 (d) "Renewal certificate" shall mean the annual certificate of renewal of license
14 to continue practice of dental hygiene in the State of North Carolina.

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

18 (f) "Supervision" as used in this Article shall mean that acts are deemed to be
19 under the supervision of a licensed dentist when performed in a locale where a licensed
20 dentist is physically present during the performance of such acts and such acts are being
21 performed pursuant to the dentist's order, control and approval."

22 **SECTION 2.** G.S. 90-233 reads as rewritten:

23 **"§ 90-233. Practice of dental hygiene.**

24 (a) ~~A~~Except as provided in subsection (a1) of this section, a dental hygienist
25 may practice only under the supervision of one or more licensed dentists. This
26 subsection shall be deemed to be complied with in the case of dental hygienists
27 employed by or under contract with a local health department or State government
28 dental public health program and especially trained by the Dental Health Section of the
29 Department of Health and Human Services as public health hygienists, while
30 performing their duties for the persons officially served by the local health department
31 or State government program under the direction of a duly licensed dentist employed by
32 that program or by the Dental Health Section of the Department of Health and Human
33 Services.

34 (a1) A limited supervision hygienist may perform one or more limited supervision
35 procedures without the supervision of a dentist if all of the following conditions are met:

36 (1) The limited supervision procedures delegated to the limited
37 supervision hygienist are conducted pursuant to a written order from a
38 licensed dentist.

39 (2) The limited supervision procedures are conducted within one year of
40 the dentist's in-person evaluation of the patient, which evaluation shall
41 include a complete oral examination of the patient, a thorough analysis
42 of the patient's health history, and a diagnosis of the patient's
43 condition.

1 A dental hygienist shall not establish or operate a separate care facility that exclusively
2 renders dental hygiene services or limited supervision procedures.

3 (b) A dentist in private practice may not employ more than two dental hygienists
4 at one and the same time who are employed in clinical dental hygiene positions.

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

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

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

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

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

28 **SECTION 3.** This act is effective when it becomes law.