

## CHAPTER 244

## (HB 467)

AN ACT relating to dental hygienists.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 313.310 is amended to read as follows:

- (1) No person shall practice dental hygiene nor hold himself out as a dental hygienist without a license issued by the board~~[, and unless he is an employee of a licensed and practicing dentist in this state and is under the continuous supervision and inspection of such dentist, provided that the board, in its discretion, may grant permission for the employment of a dental hygienist by any organization].~~
- (2) *A licensed dental hygienist shall practice under the supervision, order, control, and full responsibility of a dentist licensed under this chapter and may practice in a dental office, public or private school, health care facility, or government institution with a dentist on staff except as provided in administrative regulations promulgated pursuant to subsections (3), (4), and (5) of this section.*
- (3) *A dental hygienist may provide, for not more than fifteen (15) consecutive full business days, dental hygiene services to a patient when the supervising dentist is not physically present at the location at which the services are provided if all the following requirements are met:*
  - (a) *The dental hygienist shall have at least two (2) years with a minimum of three thousand (3,000) hours of experience in the practice of dental hygiene;*
  - (b) *The dental hygienist shall have successfully completed a course approved by the board in the identification and prevention of potential medical emergencies with recertification in this course every two (2) years;*
  - (c) *The dental hygienist shall comply with written protocols for emergencies the supervising dentist establishes;*
  - (d) *The board shall promulgate administrative regulations to determine procedures the dental hygienist shall not be allowed to perform while the supervising dentist is absent from the work site; and*
  - (e) *The dental hygienist shall not examine or provide dental health services to a patient who has not been examined by the supervising dentist within the previous seven (7) months. The supervising dentist shall have completed and evaluated a medical and dental history of the patient and shall have placed a written order for treatment in the patient's file. The board shall promulgate administrative regulations to determine guidelines for the written order.*
- (4) (a) ~~[A practicing dentist may not have in his employ more than the equivalent of two (2) full-time dental hygienists.]~~The license for each dental hygienist shall be continuously displayed in a conspicuous place in the office ~~where~~~~of~~ the licensee *practices*.
  - (b) *The supervising dentist shall evaluate and provide to the board written validation of an employed dental hygienist's skills.*
  - (c) *The supervising dentist shall establish a written office protocol clearly defining all guidelines, including one addressing medically compromised patients, when the*

*treatment by the hygienist is permitted and when the patient needs to be seen exclusively by the dentist. The minimum requirements of the written protocol shall be promulgated in administrative regulations established by the board.*

- (d) A patient shall be notified three (3) business days in advance of an appointment for dental hygiene services when the supervising dentist will be absent from the location. The patient shall be required to sign an informed consent form, prior to treatment by the hygienist, acknowledging the dentist's absence.*
- (5) The dental hygienist may provide dental hygiene services to a patient when the supervising dentist is not physically present at the location at which the services are provided if the services are provided as part of a dental health program that is approved by the board and meets all of the following requirements:*
  - (a) The program is operated through a school district board of education or the governing board of an educational service center; the board of health of a city or general health district or the authority having the duties of a board of health under KRS 212.245; a national, state, district, or local dental association; or any other public or private entity recognized by the board;*
  - (b) The supervising dentist is employed by or is a volunteer for the entity through which the program is operated and through which the patients are referred; and*
  - (c) The services are performed after examination and diagnosis by the dentist and in accordance with the dentist's written treatment plan.*
- (6) A dental hygienist may be employed by the supervising dentist or under contract with a dentist licensed under this chapter who is one (1) of the following:*
  - (a) The employer of the supervising dentist;*
  - (b) A shareholder in a professional association formed under KRS 274.015 of which the supervising dentist is a shareholder;*
  - (c) A member or manager of a limited liability company formed under KRS 275.005 of which the supervising dentist is a member or manager;*
  - (d) A shareholder in a corporation formed under KRS Chapter 271B of which the supervising dentist is a shareholder;*
  - (e) A partner or employee of a partnership or a registered limited liability partnership formed under KRS 362.555 of which the supervising dentist is a partner or employee; or*
  - (f) A government entity that employs the dental hygienist to provide dental hygiene services in a public school in connection with other programs the government entity administers.*
- (7) It shall be unlawful for a person or corporation to practice dental hygiene in a manner that is separate or independent from the dental practice of a supervising dentist or to establish or maintain an office or practice that is primarily devoted to the provision of dental hygiene services.*
- (8) For purposes of determining whether or not a dental hygienist has met the experience requirements specified in subsection (3)(a) of this section, all experience that the dental hygienist obtained prior to the effective date of Sections 1 to 3 of this Act shall be counted.*

SECTION 2. A NEW SECTION OF KRS 313.259 TO 313.350 IS CREATED TO READ AS FOLLOWS:

- (1) *A licensed dentist may delegate to a licensed dental hygienist the administration of block and infiltration anesthesia and nitrous oxide analgesia under the direct supervision of a dentist if the dental hygienist completes the following requirements and receives a certificate of verification from the board:*
  - (a) *Formal training from a dental or dental hygiene school accredited by the Council on Dental Accreditation;*
  - (b) *A minimum of thirty-two (32) hours covering all of the following topics, including but not limited to anatomical considerations, basic injection technique, basic placement technique, nitrous oxide administration, record keeping, armamentarium exercise, local anesthesia and nitrous oxide, techniques of maxillary anesthesia, techniques of mandibular injections, partner injections and partner administration of nitrous oxide, neurophysiology, pharmacology of local anesthetics and nitrous oxide, pharmacology of vasoconstrictors, physical and psychological evaluation, local and systemic complications, and contraindications;*
  - (c) *A minimum of two (2) hours of clinical education for nitrous oxide administration with successful completion of administration, monitoring, and removal of nitrous oxide on at least two (2) patients;*
  - (d) *A minimum of twelve (12) hours demonstrating mastery of local anesthesia applications and successful completion of at least three (3) injections each of all maxillary and mandibular injection sites; and*
  - (e) *A score that exceeds seventy-four percent (74%) on a written examination administered after coursework and clinical training.*
- (2) *The board shall serve as administrator of this certification and shall require dental hygienists to pay a fee not to exceed one hundred dollars (\$100) for certification.*
- (3) *The board shall approve all continuing education courses and require them for individuals holding anesthesia certification for over one (1) year without practical application. The courses shall be developed and implemented by dental education institutions accredited by the Council on Dental Accreditation.*

SECTION 3. A NEW SECTION OF KRS 313.259 TO 313.350 IS CREATED TO READ AS FOLLOWS:

- (1) *The board shall promulgate administrative regulations to define certification requirements, duties, training, and standards of practice that may be performed by a dental assistant who has a minimum of one (1) year of dental office experience and has successfully passed the dental assisting course at an institution of dental education accredited by the Council on Dental Accreditation.*
- (2) *The board shall approve the instructor and the courses of study for approving duties, training, and standards of practice that may be performed by a dental assistant and shall authorize the course instructor to issue certificates, under the board's direction, to those who successfully complete the requirements.*
- (3) *A dental assistant shall practice under the supervision, order, control, and full responsibility of a dentist licensed under this chapter.*

- (4) *The certificate for each dental assistant shall be continuously displayed in a conspicuous place in the office of the licensee.*
- (5) *Supervising dentists shall only assign to dental assistants procedures that do not require the professional competence of a licensed dentist or a licensed dental hygienist.*
- (6) *Dental assistant services may include coronal polishing, a cosmetic procedure that is not essential to therapeutic oral prophylaxis, if the following criteria are observed:*
  - (a) *Polishing activities are limited to the use of a rubber cap attached to a slow-speed rotary dental handpiece;*
  - (b) *The assistant has received a certificate from the board's approved instructor that ensures the assistant has successfully completed a dental assisting course developed by the Kentucky Board of Dentistry and a committee of dental educators from the Kentucky institutions of dental education accredited by the Council on Dental Accreditation; and*
  - (c) *The dental assisting course shall include basic dental assisting and coronal polishing instruction that includes didactic, preclinical, clinical training and competency testing.*
- (7) *Dental assistant services shall not include the following:*
  - (a) *The practice of dental hygiene or the performance of the duties of a licensed dental hygienist that require the use of any instrumentation which may elicit the removal of calcareous deposits or accretions on the crowns and roots of teeth;*
  - (b) *Diagnosis;*
  - (c) *Treatment planning and prescription, including prescriptions for drugs or medicaments, or authorization for restorative, prosthodontic, or orthodontic appliances;*
  - (d) *Surgical procedures on hard or soft tissues of the oral cavity, or any other intraoral procedure that contributes to or results in an irreversible alteration of the oral anatomy; and*
  - (e) *The making of final impressions from which casts are made to construct any dental restoration.*

**Approved April 8, 2002**