

CHAPTER 55

(HB 336)

AN ACT relating to dental hygienists.

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

➔Section 1. KRS 313.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) "Board" means the Kentucky Board of Dentistry.
- (2) Any person shall be regarded as "practicing dentistry" who, for a fee, salary or other reward paid, or to be paid either to himself, or to another person, performs or advertises to perform, dental operations of any kind, or who diagnoses or treats diseases or lesions of human teeth or jaws, or attempts to correct malpositions thereof, or who diagnoses or treats disorders, or deficiencies of the oral cavity and adjacent associated structures, or who takes impressions of the human teeth or jaws to be used directly in the fabrication of any intraoral appliance, or shall construct, supply, reproduce or repair any prosthetic denture, bridge, artificial restoration, appliance or other structure to be used or worn as a substitute for natural teeth, except upon the written laboratory procedure work order of a licensed dentist and constructed upon or by the use of casts or models made from an impression taken by a licensed dentist, or who shall advertise, offer, sell or deliver any such substitute or the services rendered in the construction, reproduction, supply or repair thereof to any person other than a licensed dentist, or who places or adjusts such substitute in the oral cavity of another, or who uses the words "dentist," "dental surgeon," the letters "D.D.S.," "D.M.D.," or other letters or title in connection with his name, which in any way represents him as being engaged in the practice of dentistry.
- (3) "Dental hygiene" shall mean the treatment of human teeth by scaling, polishing, planing and removing therefrom calcareous deposits~~[-]~~ and~~[-by]~~ removing accumulated accretion from beneath the free margin of the gums; **dental hygiene assessment**~~[-]~~; and may also include other dental activities not specifically prohibited by this chapter or by regulation of the board provided, that nothing in KRS 313.260 to 313.350 shall be so construed as to affect the practice of medicine or dentistry nor to prevent students of a dental college or university from practicing dental hygiene under supervision of their instructors; and, provided further, that nothing in KRS 313.260 to 313.350 shall be construed to authorize any dental hygienist to perform any operation in a patient's mouth without supervision of a dentist.
- (4) "Dental laboratory" includes any person, firm or corporation other than a licensed dentist, who directly or through an agent or employee, by any means or method, in any way supplies or manufactures artificial substitutes for the natural teeth, other than those unfinished substitutes normally available through dental supply houses, or who furnishes, supplies, constructs or reproduces or repairs any prosthetic denture, bridge or appliance to be worn in the human mouth or who performs or offers or undertakes to perform or accomplish dental laboratory technology.
- (5) "Dental laboratory technician" means any individual who performs or offers or undertakes to perform or accomplish dental laboratory technology and who is classified as such by regulations of the board adopted as provided in this chapter.
- (6) "Commercial dental laboratory" shall mean any dental laboratory as defined in subsection (4) of this section other than a laboratory of practicing dentists, accredited schools and nonprofit institutions for use only for their own patients.
- (7) "Commission" means the Dental Laboratory Advisory Commission.
- (8) "Laboratory association" means the Kentucky Dental Laboratory Association.

➔Section 2. 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.
- (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:

- (a) In a dental office, public or private school, health care facility, or government institution with a dentist on staff;
 - (b) *Without the physical presence of a supervising dentist*~~except~~ as provided in administrative regulations promulgated pursuant to subsections (3), (4), and (5) of this section; *or*
 - (c) *Without a supervising dentist if providing screening services in accordance with subsection (9) 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) The license for each dental hygienist shall be continuously displayed in a conspicuous place in the office where 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 *or dental hygienist* 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 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 July 15, 2002, shall be counted.
- (9) *A dental hygienist may provide screening services in any setting without the supervision of a dentist if:*
- (a) *The screening is conducted to fulfill the requirements of KRS 156.160(1)(i); and*
 - (b) *Patients are informed that the service being provided is a screening and that only a dentist is licensed to make a definitive diagnosis of the need for dental care.*

Signed by the Governor March 20, 2009.