

## BOARDS AND COMMISSIONS

### Board of Dentistry

#### (Amendment)

#### **201 KAR 8:563. Licensure of dental hygienists.**

RELATES TO: KRS 304.40 - 075, 313.030, 313.040, 313.060, 313.080, 313.130, 313.254

STATUTORY AUTHORITY: KRS 313.021(1)(a), (b), (c), 313.040(1), (2), (7), 313.254

NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.040 requires the board to promulgate administrative regulations relating to requirements and procedures for the licensure of dental hygienists. This administrative regulation establishes requirements and procedures for the licensure of dental hygienists.

Section 1. General Licensure Requirements. An applicant desiring initial licensure in Kentucky as a dental hygienist shall:

- (1) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, verified by testing as necessary;
- (2) Submit a completed, signed, and notarized Application for Dental Hygiene Licensure with an attached applicant photo taken within the past six (6) months;
- (3) Pay the fee required by 201 KAR 8:520;
- (4) Not be subject to disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;
- (5) Complete and pass the board's jurisprudence exam;
- (6) Hold an active certification in cardiopulmonary resuscitation (CPR) or a more comprehensive program which meets or exceeds the American Heart Association Guidelines for CPR and ECC;
- (7) Submit to a nationwide state and federal criminal background check by fingerprint through the Department of Kentucky State Police;
- (8) Provide verification of any license to practice dental hygiene held previously or currently in any state or other licensing jurisdiction;
- (9) Hold an Associate's degree or Bachelor's degree in dental hygiene from a school, college, or department of a university accredited by the Commission on Dental Accreditation (CODA);
- (10) Successfully complete the National Board Dental Hygiene Examination (NBDHE), conducted by the Joint Commission on National Dental Examinations (JCNDE);
- (11) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank; and
- (12) Complete all additional requirements for one (1) of the following:
  - (a) Licensure by clinical examination; or
  - (b) Licensure by credentials.

Section 2. Requirements for Licensure by Clinical Examination.

- (1) An individual desiring initial licensure in Kentucky as a dental hygienist by clinical examination shall:
  - (a) Complete all requirements in Section 1 of this administrative regulation; and
  - (b) Successfully complete all components of one (1) of the following clinical examinations within five (5) years preceding the filing of the application:
    1. The examination of the Council of Interstate Testing Agencies (CITA);
    2. The examination of the Central Regional Dental Testing Service (CRDTS);
    3. The examination of the Commission on Dental Competency Assessments (CDCA);

4. The examination of the States Resources for Testing and Assessments (SRTA);
  5. The examination of the Western Regional Examining Board (WREB); or
  6. The Dental Hygiene Licensure Objective Structured Clinical Examination (DHLOSCE) of the Joint Commission on National Dental Examinations (JCNDE).
- (2) An individual applying more than two (2) years after graduating with an Associate's degree or Bachelor's degree in dental hygiene, shall:
- (a) Hold a license to practice dental hygiene in good standing in another state or territory of the United States or the District of Columbia; or
  - (b) Complete a continuing education plan approved by the board.
- (3) An applicant who has taken a clinical examination three (3) times and failed to achieve a passing score shall complete a remediation plan approved by the board.

Section 3. Requirements for Licensure by Credentials. An individual desiring initial licensure in Kentucky as a dental hygienist by credentials shall:

- (1) Complete all requirements in Section 1 of this administrative regulation;
- (2) Provide proof of having passed a state, regional, or national clinical examination used to determine clinical competency in a state or territory of the United States or the District of Columbia; and
- (3) Be licensed and actively practicing dental hygiene in a state or territory of the United States or the District of Columbia for a least five (5) of the six (6) years preceding the filing of the application.

Section 4. Requirements for Charitable Limited Dental Hygiene Licensure.

- (1) An individual desiring limited licensure in Kentucky to provide charitable dental hygiene services shall:
  - (a) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, verified by testing as necessary;
  - (b) Submit a completed, signed, and notarized Application for Charitable Limited Licensure with an attached applicant photo taken within the past six (6) months;
  - (c) Pay the fee required by 201 KAR 8:520;
  - (d) Not be subject to disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;
  - (e) Hold a license to practice dental hygiene in good standing in another state or territory of the United States or the District of Columbia; and
  - (f) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.
- (2) A charitable limited dental hygiene license holder shall:
  - (a) Work only with charitable entities registered with the Cabinet for Health and Family Services that have met requirements of KRS 313.254 and 201 KAR 8:581;
  - (b) Only perform procedures allowed by KRS 313.254, which shall be completed within the duration of the charitable event;
  - (c) Be eligible for the provisions of medical malpractice insurance procured pursuant to KRS 304.40-075; and
  - (d) Perform these duties without expectation of compensation or charge to the individual and without payment or reimbursement by any governmental agency or insurer.

Section 5. Continuing Education Requirements.

- (1) A Kentucky licensed dental hygienist shall complete thirty (30) hours of continuing education during the two (2) year licensure period defined by KRS 313.030(2) except in the following cases:

- (a) A licensee who was issued a new or reinstated license in the second year of the current biennial license period shall only complete one-half (1/2) the required hours for that period;
  - (b) A licensee who graduated in the first year of the current biennial license period shall only complete one-half (1/2) the required hours for that period;
  - (c) A licensee who graduated in the second year of the current biennial license period shall not be required to complete continuing education hours for that period;
  - (d) A charitable limited license holder shall not be required to complete continuing education hours; or
  - (e) A licensee may be granted a hardship waiver or deferment if such a request is submitted to and approved by the board.
- (2) Acceptable continuing education content shall include:
- (a) Competency in treating patients who are medically compromised or who experience medical emergencies during the course of dental hygiene treatment;
  - (b) Pharmaceutical products and proper use protocols of medications;
  - (c) Awareness of currently accepted methods of infection control;
  - (d) Basic medical and scientific subjects;
  - (e) Clinical and technological subjects;
  - (f) Patient management, safety, and oral healthcare;
  - (g) Mass casualty or mass immunization situations;
  - (h) Clinical dental hygiene performed on a charitable or volunteer basis;
  - (i) Business operations and best practices; and
  - (j) Dental or dental hygiene association or society business meetings.
- (3) The thirty (30) hours of continuing education shall include:
- (a) A minimum of ten (10) hours taken in a live interactive presentation format; and
  - (b) A maximum of ten (10) hours that meet the requirements of subsection (2)(h) - (j) of this section.
- (4) Dental hygienists registered to practice under general supervision shall also meet the continuing education requirements of Section 12(8) of this administrative regulation.
- (5) Dental hygienists registered to practice as public health hygienists shall also meet the continuing education requirements of Section 16(5) of this administrative regulation.
- (6) All continuing education hours shall be documented by a certificate of completion or attendance bearing:
- (a) A signature or other verification of the provider;
  - (b) The name of the licensee in attendance;
  - (c) The title of the course or meeting attended or completed;
  - (d) The date of attendance or completion;
  - (e) The number of hours earned; and
  - (f) Evidence of the method of delivery if the course was taken in a live interactive presentation format.
- (7) The licensee shall be responsible for obtaining the qualifying documentation of continuing education from the provider or organization and to retain those documents for a minimum of five (5) years.
- (8) During the license renewal process, licensees shall attest to their compliance with the requirements of this section.
- (9) Licensees shall be subject to audit of their compliance with the requirements of this section.

#### Section 6. Renewal of a Dental Hygiene License.

- (1) All dental licenses issued by the board shall expire on December 31 of odd-numbered years and must be renewed to remain active. A licensee desiring renewal of an active dental hygiene license shall:

- (a) Submit a completed and signed Application for Renewal of Dental Hygiene Licensure;
  - (b) Pay the fee required by 201 KAR 8:520;
  - (c) Maintain an active certification in CPR or a more comprehensive program that meets or exceeds the American Heart Association Guidelines for CPR and ECC; and
  - (d) Meet the continuing education requirements as established in Section 5 of this administrative regulation.
- (2) A licensee who has not actively practiced dental hygiene in the two (2) years preceding the filing of the renewal application shall complete a continuing education plan approved by the board prior to resuming the active practice of dental hygiene.
- (3) A licensee desiring renewal of a charitable limited dental hygiene license shall repeat the initial licensure process required by Section 4 of this administrative regulation.

#### Section 7. Retirement of a Dental Hygiene License.

- (1) A licensee desiring to no longer hold an active dental hygiene license shall submit a completed and signed Retirement of License Form.
- (2) Upon receipt of this form, the board shall send written confirmation of retirement to the address provided.
- (3) A licensee shall not retire a license that has pending disciplinary action against it.
- (4) A license that is not properly retired or renewed shall be considered expired for reinstatement purposes.

#### Section 8. Reinstatement of a Dental Hygiene License.

- (1) A former licensee desiring reinstatement of an expired or properly retired dental hygiene license in Kentucky shall:
- (a) Submit a completed, signed, and notarized Application to Reinstate Dental or Dental Hygiene Licensure with an attached applicant photo taken within the past six (6) months;
  - (b) Pay the fee required by 201 KAR 8:520;
  - (c) Hold an active certification in CPR or a more comprehensive program that meets or exceeds the American Heart Association Guidelines for CPR and ECC;
  - (d) Provide verification of any license to practice dental hygiene obtained in any state or other licensing jurisdiction since the applicant was first licensed in Kentucky;
  - (e) Submit to a nationwide state and federal criminal background check by fingerprint through the Department of Kentucky State Police; and
  - (f) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.
- (2) An applicant who has not actively practiced dental hygiene in the two (2) years preceding the filing of the reinstatement application shall complete a continuing education plan approved by the board prior to resuming the active practice of dental hygiene.
- (3) A former licensee who applies to reinstate an expired license that was not properly retired shall be subject to:
- (a) The expired license reinstatement penalties in 201 KAR 8:520 if applying less than two (2) years from when the license was last active; or
  - (b) The same reinstatement fees as a properly retired license if applying more than two (2) years from when the license was last active.

#### Section 9. Verification of Licensure. An individual desiring an official verification of a dental hygiene license held currently or previously in Kentucky shall:

- (1) Submit a signed and completed Verification of Licensure or Registration Form; and
- (2) Pay the fee required by 201 KAR 8:520.

#### Section 10. Requirements for Local Anesthesia Registration.

(1) A licensed dental hygienist who desires to administer infiltration or block anesthesia shall:

- (a) Submit a signed and completed Application for Dental Hygiene Special Registrations;
- (b) Pay the fee required by 201 KAR 8:520; and
- (c) Complete an educational program from a dental or dental hygiene school accredited by the Commission on Dental Accreditation (CODA) that meets or exceeds the requirements established in KRS 313.060(10).

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to administer local anesthesia.

(3) A dental hygienist shall not administer local anesthesia in Kentucky unless the licensee:

- (a) Holds a current board-issued registration in local anesthesia; and
- (b) Performs these procedures under the direct supervision of a dentist.

(4) A licensed dental hygienist holding a local anesthesia registration from the board who has not administered block or infiltration anesthesia for one (1) year shall complete a board-approved refresher course prior to resuming practice of that specific technique.

#### Section 11. Requirements for General Supervision Registration.

(1) A licensed dental hygienist who desires to practice under general supervision shall:

- (a) Submit a signed and completed Application for Dental Hygiene Special Registrations;
- (b) Obtain at least two (2) years and 3,000 hours of verifiable experience in the practice of dental hygiene;
- (c) Complete a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration under general supervision.

(3) A dentist who employs a dental hygienist who has met the standards of this administrative regulation and who allows the dental hygienist to provide dental hygiene services pursuant to KRS 313.040(7) shall complete a written order specifying the dental service or procedure to be performed on a specific patient by the dental hygienist and shall retain the original order in the patient's dental record.

(4) The minimum requirements for the written order shall include:

- (a) Medical history update;
- (b) Radiographic records requested;
- (c) Dental hygiene procedures requested;
- (d) Name of the patient;
- (e) Date of last oral examination;
- (f) Date of the written order; and
- (g) Signature of the dentist.

(5) The oral examination of the patient by the supervising dentist shall have been completed within the seven (7) months preceding treatment by the dental hygienist practicing under general supervision.

(6) The supervising dentist shall evaluate and provide to the board written validation of an employed dental hygienist's skills necessary to perform dental hygiene services established in KRS 313.040(7) as part of the Application for Dental Hygiene Special Registrations.

(7) The supervising dentist shall provide a written protocol addressing the medically compromised patients who may or may not be treated by the dental hygienist. The dental hygienist shall only treat patients who are in the ASA Patient Physical Status Classification of ASA I or ASA II as established in Guidelines for Teaching Pain Control

and Sedation to Dentists and Dental Students, as incorporated by reference in 201 KAR 8:550.

(8) During each biennial license period, a dental hygienist registered in general supervision must complete a live three (3) hour course in the identification and prevention of potential medical emergencies to maintain registration upon license renewal. These hours may be included in the thirty (30) overall continuing education hours required for license renewal.

(9) A dental hygienist shall not practice under general supervision unless the licensee holds a current board-issued general supervision registration.

#### Section 12. Requirements for Intravenous Access Line Registration.

(1) A licensed dental hygienist who desires to start intravenous (IV) access lines shall:

- (a) Submit a signed and completed Application for Dental Hygiene Special Registrations;
- (b) Pay the fee required by 201 KAR 8:520; and
- (c) Complete a board-approved course in starting IV access lines.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to start IV access lines.

(3) A dental hygienist shall not start IV access lines in Kentucky unless the licensee:

- (a) Holds a current board-issued registration to start IV access lines; and
- (b) Works under the direct supervision of a dentist who holds either a Moderate Sedation Permit or Deep Sedation and General Anesthesia Permit issued pursuant to 201 KAR 8:550.

#### Section 13. Requirements for Laser Debridement Registration.

(1) A licensed dental hygienist who desires to perform laser debridement shall:

- (a) Submit a signed and completed Application for Dental Hygiene Special Registrations;
- (b) Pay the fee required by 201 KAR 8:520; and
- (c) Complete a board-approved course in performing laser debridement.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to perform laser debridement.

(3) A dental hygienist shall not perform laser debridement in Kentucky unless the licensee:

- (a) Holds a current board-issued registration to perform laser debridement; and
- (b) Works under the direct supervision of a dentist.

#### Section 14. Requirements for Public Health Registration.

(1) A licensed dental hygienist who desires to practice as a public health registered dental hygienist shall:

- (a) Submit a signed and completed Application for Dental Hygiene Special Registrations;
- (b) Obtain at least two (2) years and 3,000 hours of verifiable experience in the practice of dental hygiene; and
- (c) Complete a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to practice as a public health registered dental hygienist.

(3) Pursuant to KRS 313.040(8)(c), a public health registered dental hygienist may practice in a government-created public health program at the following sites:

- (a) Local health departments;

- (b) Public or private educational institutions that provide Head Start, preschool, elementary and secondary instruction to school-aged children under the jurisdiction of the State Board of Education, and that have an affiliation agreement with the health department of jurisdiction;
  - (c) Mobile and portable dental health programs under contract with a governing board of health; and
  - (d) Public or private institutions under the jurisdiction of a federal, state, or local agency.
- (4) A public health registered dental hygienist shall perform dental hygiene services only under the authority of the governing board of health, as required by KRS 313.040(3)(b), as established in KRS 313.040(8), and as identified by the Department for Public Health Practice Reference.
- (a) These services shall be limited to:
    - 1. Preventative services; and
    - 2. Application of silver diamine fluoride when the supervising dentist has authorized such treatment and provided written protocols for each patient.
  - (b) The public health registered dental hygienist shall only treat a patient who is in the ASA Patient Physical Status Classification of ASA I or ASA II as established in the current edition of Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, as incorporated by reference in 201 KAR 8:550.
  - (c) The informed consent shall be required prior to preventative services and shall include:
    - 1. The name of the public health entity, including the name of the dentist, that assumes responsibility and control;
    - 2. An inquiry as to the current dentist; and
    - 3. A statement that services are provided by a dental hygienist without the direct supervision of a dentist.
  - (d) This administrative regulation shall not preclude a Kentucky-licensed dentist from directly participating in a public health program referenced in subsection (3) of this section.
- (5) During each biennial license period, a dental hygienist registered in public health dental hygiene must complete the following to maintain registration upon license renewal:
- (a) Three (3) hours of continuing education in public health or public dental health; and
  - (b) Three (3) hours of continuing education in the identification and prevention of potential medical emergencies.
  - (c) These hours may be included in the thirty (30) overall continuing education hours required for license renewal.

Section 15. Issuance of Initial Licensure. Upon an applicant's completion of all requirements for dental hygiene licensure within six (6) months of the date the application was received, the board shall:

- (1) Issue a license in sequential numerical order; or
- (2) Deny licensure due to a violation of KRS Chapter 313 or 201 KAR Chapter 8.

Section 16. Incorporation by Reference.

- (1) The following material is incorporated by reference:
  - (a) "Application for Charitable Limited Licensure", January 2024;
  - (b) "Application for Dental Hygiene Licensure", September 2024;
  - (c) "Application for Dental Hygiene Special Registrations", September 2024
  - (d) "Application for Renewal of Dental Hygiene Licensure", September 2024;
  - (e) "Application to Reinstate Dental or Dental Hygiene Licensure", January 2024;
  - (f) "Retirement of License Form", January 2024;

- (g) "Verification of Licensure or Registration Form", January 2024; and
  - (h) "2020 American Heart Association Guidelines for CPR and ECC", 2020.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. through 4:30 p.m. This material is also available on the board's Web site at <http://dentistry.ky.gov>.

*JEFFREY ALLEN, Executive Director*

APPROVED BY AGENCY: August 14, 2024

FILED WITH LRC: August 15, 2024 at 11:20 a.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on October 28, 2024 at 3:00 p.m., Eastern Time at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

**CONTACT PERSON:** Jeff Allen, Executive Director, Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, phone (502) 429-7280, fax (502) 429-7282, email [jeffrey.allen@ky.gov](mailto:jeffrey.allen@ky.gov).