

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~~licensure in the Commonwealth shall at a minimum~~:

- (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 ~~currently~~ 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 ~~Provide proof of having current~~ certification in cardiopulmonary resuscitation (CPR) or a more comprehensive program which~~that~~ meets or exceeds the American Heart Association Guidelines for CPR and ECC~~, incorporated by reference in 201 KAR 8:533~~;
- (7) Submit to a nationwide state and federal criminal background check by fingerprint through the Department of Kentucky State Police;
- (8) Provide verification ~~within three (3) months of the date the application is received at the office of the board~~ 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 ~~Provide proof that the applicant is a graduate of a~~ Commission on Dental Accreditation (CODA) ~~accredited dental hygiene school or college or dental hygiene department of a university~~;
- (10) Successfully complete ~~Provide proof that the applicant has successfully completed~~ the National Board Dental Hygiene Examination (NBDHE)~~, which is written and theoretical~~, conducted by the Joint Commission on National Dental Examinations (JCNDE)~~; and~~;
- (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 ~~Each~~ individual desiring initial licensure in Kentucky as a dental hygienist by clinical examination shall:

- (a) Complete ~~complete~~ all ~~of the~~ requirements ~~established~~ in Section 1 of this administrative regulation; and~~;~~

(b) Successfully complete all components of one (1) of the following
~~[(2)] [Each individual desiring initial licensure as a dental hygienist by examination shall successfully complete a]~~ clinical examinations~~[examination]~~ within~~[the]~~ five (5) years preceding the filing of the application~~[his or her Application for Dental Hygiene Licensure. The board shall accept the following regional clinical examinations]:~~

1. ~~[(a)]~~ The examination of the Council of Interstate Testing Agencies (CITA);
2. ~~[(b)]~~ The examination of the Central Regional Dental Testing Service (CRDTS);
3. ~~[(c)]~~ The examination of the Commission on Dental Competency Assessments (CDCA);
4. ~~[(d)]~~ The examination of the States Resources for Testing and Assessments~~[Southern Regional Testing Agency]~~ (SRTA);~~[-or]~~
5. ~~[(e)]~~ 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) [(3)]~~ An individual applying more than two (2) years after graduating with an Associate's degree or Bachelor's degree in dental hygiene,~~[desiring initial licensure as a dental hygienist by examination more than two (2) years after fulfilling all of the requirements of his or her CODA accredited dental hygiene education]~~ 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 ~~[If the applicant does not hold a license to practice dental hygiene in good standing, complete a board-approved refresher course prior to receiving a license to practice dental hygiene in the Commonwealth of Kentucky].~~

~~(3) [(4)]~~ An applicant who has taken a clinical examination three (3) times and failed to achieve a passing score shall complete~~[not be allowed to sit for the examination again until the applicant has completed and passed]~~ a remediation plan approved~~[prescribed]~~ by the board~~[based on the applicant's deficiencies].~~

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

- (1) Complete all~~[of the]~~ requirements~~[established]~~ 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 ~~[Provide proof that, for]~~ five (5) of the six (6) years ~~[immediately]~~ preceding the filing of the application~~[-, the applicant has been engaged in the active practice of dental hygiene while he or she was legally authorized to practice dental hygiene in a state or territory of the United States or the District of Columbia if the qualifications for the authorization were equal to or higher than those of the Commonwealth of Kentucky].~~

Section 4. Requirements for Charitable Limited Dental Hygiene Licensure.

(1) An individual desiring limited licensure in Kentucky to provide charitable dental hygiene services ~~Each individual desiring a charitable limited license]~~ 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~~[Dental Hygiene]~~ Limited Licensure with an attached applicant photo taken within the past six

- (b) 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 ~~Have~~ 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 ~~[An individual licensed pursuant to this section]~~ 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; ~~;~~
 - ~~[(e)] [Have a charitable limited license that shall be good for two (2) years and expire during the regular dental hygiene renewal cycle; and]~~
 - ~~[(f)] [Comply with reciprocity requirements if applicable.]~~
 - ~~[1.] [A state that extends a reciprocal agreement shall comply with this section.]~~
 - ~~[2.] [An individual shall notify the sponsor of a charitable clinic and the board of the intent to conduct or participate in the clinic.]~~
 - ~~[3.] [An individual conducting or participate in a charitable clinic shall have a license to practice dental hygiene in the state in which the dental hygienist practices.]~~

Section 5. ~~[Minimum]~~ 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. ~~[Each individual desiring renewal of an active dental hygiene license shall complete thirty (30) hours of continuing education that relates to or advances the practice of dental hygiene and would be useful to the licensee in his or her practice.]~~
- (2) Acceptable continuing education content~~[hours]~~ shall include~~[course content designed to increase]~~:
- (a) Competency in treating patients who are medically compromised or who experience medical emergencies during the course of dental hygiene treatment;

- (b) Pharmaceutical ~~[Knowledge of pharmaceutical]~~ products and ~~[the protocol of the]~~ proper use protocols of medications;
 - (c) Awareness of currently accepted methods of infection control;
 - (d) Basic ~~[Knowledge of basic]~~ medical and scientific subjects ~~[including, biology, physiology, pathology, biochemistry, pharmacology, epidemiology, and public health];~~
 - (e) Clinical ~~[Knowledge of clinical]~~ and technological subjects;
 - (f) Patient ~~[Knowledge of subjects pertinent to patient]~~ management, safety, and oral healthcare;
 - (g) Mass ~~[Competency in assisting in mass]~~ casualty or mass immunization situations;
 - (h) Clinical dental hygiene performed on a charitable or volunteer basis ~~[skills through the volunteer of clinical charitable dental hygiene that meets the requirements of KRS 313.254];~~
 - (i) Business ~~[Knowledge of office business]~~ operations and best practices; and ~~[or]~~
 - (j) Dental ~~[Participation in 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 ~~[shall be]~~ taken in a live interactive presentation format; and ~~[]~~
 - (b) ~~[(4)]~~ A maximum of ten (10) hours ~~[total may be taken]~~ that meet the requirements of subsection (2)(h) - (j) of this section.
- (4) ~~[(5)]~~ Dental ~~[For dental]~~ hygienists registered to practice under general supervision shall also meet the continuing education requirements of Section 12(8) of this administrative regulation ~~[, a minimum of three (3) hours shall be taken in medical emergencies as described in Section 12(1)(d) of this administrative regulation in order to renew their registration].~~
- (5) ~~[(6)]~~ Dental ~~[For dental]~~ hygienists registered to practice as public health hygienists shall also meet the continuing education requirements of Section 16(5) of this administrative regulation ~~[, a minimum of three (3) hours shall be taken in medical emergencies as described in Section 15(1)(d) of this administrative regulation in order to renew their registration].~~
- (6) ~~[(7)]~~ All continuing education hours shall be documented by ~~[verified by the receipt of]~~ a certificate of completion or ~~[certificate of]~~ attendance bearing:
- (a) A ~~[The]~~ 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) ~~[(8)]~~ The licensee shall be responsible for obtaining the qualifying documentation of continuing education ~~[It shall be the sole responsibility of the individual dental hygienist to obtain documentation]~~ from the provider or ~~[sponsoring]~~ organization ~~[verifying participation as established in subsection (7) of this section]~~ and to retain those documents ~~[the documentation]~~ for a minimum of five (5) years.
- (8) ~~[(9)]~~ During the ~~[At]~~ license renewal process, licensees ~~[each licensee]~~ shall attest to their compliance ~~[the fact that he or she has complied]~~ with the requirements of this section.
- (9) ~~[(10)]~~ Licensees ~~[Each licensee]~~ shall be subject to audit of their compliance with the requirements of this section ~~[proof of continuing education compliance by the board].~~

Section 6. ~~[Requirements for]~~ 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 ~~[Each individual]~~ 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~~[, with no more than a thirty (30) day lapse, CPR]~~ certification in CPR or a more comprehensive program that meets or exceeds the American Heart Association Guidelines for CPR and ECC~~[, incorporated by reference in 201 KAR 8:533, unless a hardship waiver is submitted to and subsequently approved by the board]~~; and

(d) Meet the continuing education requirements as established in Section 5 of this administrative regulation~~[except in the following cases:]~~

~~[1.] [If a hardship waiver has been submitted to and is subsequently approved by the board,]~~

~~[2.] [If the licensee graduated in the first year of the biennial license period, the licensee shall complete one-half (1/2) of the hours as established in Section 5 of this administrative regulation; and]~~

~~[3.] [If the licensee graduated in the second year of the biennial license period, the licensee shall not be required to complete the continuing education requirements established in Section 5 of this administrative regulation].~~

(2) A ~~[If a]~~ licensee who has not actively practiced dental hygiene in the two (2)~~[consecutive]~~ years preceding the filing of the renewal application shall complete a continuing education plan approved by the board~~[, he or she shall complete and pass a board-approved refresher course]~~ 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 ~~[Each individual]~~ desiring to no longer hold an active dental hygiene license~~[retirement of a dental hygiene license]~~ shall submit a completed and signed Retirement of License Form~~[, incorporated by reference in 201 KAR 8:533]~~.

(2) Upon receipt of this form~~[Retirement of License Form]~~, the board shall send written confirmation of retirement to the~~[last known]~~ address provided~~[of the licensee]~~.

(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 ~~[Each retirement shall be effective upon the processing of the completed and signed Retirement of License Form by the board]~~.

Section 8. Reinstatement of a Dental Hygiene License.

(1) A former licensee ~~[Each individual]~~ desiring reinstatement of an expired or~~[a]~~ properly retired dental hygiene license in Kentucky shall:

(a) Submit a completed, signed, and notarized Application to Reinstat[e] ~~[a]~~ Dental or Dental Hygiene Licensure~~[License]~~ 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 ~~[Show proof of having current]~~ certification in CPR or a more comprehensive program that meets or exceeds the American Heart Association Guidelines for CPR and ECC~~[, incorporated by reference in 201 KAR 8:533]~~;

(d) Provide verification~~[within three (3) months of the date the Application to Reinstat[e] a Dental Hygiene License is received at the office of the board]~~ of any license to practice dental hygiene obtained~~[held previously or currently]~~ 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~~ ~~[[If an individual applies to reinstate a license within two (2) years of when the license was last active, the individual shall provide proof of having met the continuing education requirements as established in Section 5 of this administrative regulation within those two (2) years.]]~~

~~[(3)]~~ ~~[[If the] applicant who has not actively practiced dental hygiene in the two (2)[consecutive] years [immediately] preceding the filing of the reinstatement application[Application to Reinstate a Dental Hygiene License, the applicant] shall complete[and pass] a continuing education plan[refresher course] 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.~~

~~[(4)]~~ ~~[[If a license is reinstated in the first year of the biennial license period, the licensee shall complete all of the continuing education requirements as established in Section 5 of this administrative regulation prior to the renewal of his or her license.]]~~

~~[(5)]~~ ~~[[If a license is reinstated in the second year of the biennial license period, the licensee shall complete one-half (1/2) of the hours as established in Section 5 of this administrative regulation prior to the renewal of his or her license.]]~~

Section 9. ~~[[Requirements for]]~~ Verification of Licensure. ~~An~~ ~~Each~~ 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~~[[incorporated by reference in 201 KAR 8:533]; and~~
- (2) Pay the fee required by 201 KAR 8:520.

Section 10. ~~[[Requesting a Duplicate License. Each individual desiring a duplicate dental hygiene license shall:]]~~

~~[(1)]~~ ~~[[Submit a signed and completed Duplicate License or Registration Request Form, incorporated by reference in 201 KAR 8:533; and]]~~

~~[(2)]~~ ~~[[Pay the fee required by 201 KAR 8:520.]]~~

~~[[Section 11.]]~~ Requirements for Local Anesthesia Registration.

(1) A ~~[[An individual]]~~ licensed~~[[as a]]~~ dental hygienist~~[[in Kentucky and not subject to disciplinary action]]~~ who desires to administer infiltration or block~~[[local]]~~ anesthesia shall:

(a) Submit a signed and completed ~~[[Complete the]]~~ 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 ~~[[Document successful completion of an educational program which]]~~ meets or exceeds the requirements established in KRS 313.060(10).

(2) Upon authorizing a licensee ~~[[Individuals authorized]]~~ to practice pursuant to this section, the board shall issue an updated dental hygiene license~~[[provision shall receive a license from the board]]~~ indicating registration to administer local anesthesia.

(3) A ~~licensed~~ dental hygienist shall not administer local anesthesia in Kentucky unless~~if~~ the licensee;

(a) Holds a current board-issued registration in ~~does not hold a~~ local anesthesia ~~registration issued by the board.~~; 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~~~~anesthesia,~~ infiltration anesthesia~~,~~ ~~or nitrous oxide analgesia~~ for one (1) year shall complete a board-approved refresher course prior to resuming practice of that specific technique.

Section 11. ~~Section 12.~~ Requirements for General Supervision Registration.

(1) A ~~An individual~~ licensed ~~as a~~ dental hygienist ~~in Kentucky and not subject to disciplinary action~~ who desires to practice under general supervision shall:

(a) Submit a signed and completed ~~Complete the~~ 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 ~~Meet the requirements of KRS 313.040(7)(a);~~

(c) Complete ~~Document through payroll records, employment records, or other proof that is independently verifiable, the dates and hours of employment by a dentist in the practice of dental hygiene that demonstrate the required two (2) years and 3,000 hours of experience; and~~

~~(d)~~ ~~During each biennial license period, successfully complete~~ a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies ~~that shall include, at a minimum, the following topics:~~

~~[1.] Medical history, including American Society of Anesthesiologists (ASA) classifications of physical status;~~

~~[2.] Recognition of common medical emergency situations, symptoms, and possible outcomes;~~

~~[3.] Office emergency protocols; and~~

~~[4.] Prevention of emergency situations during dental treatments].~~

(2) Upon authorizing a licensee ~~An individual authorized~~ to practice pursuant to this section, the board shall issue an updated dental hygiene license~~these provisions shall receive a license from the board~~ indicating registration ~~to practice~~ 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~~prescribing~~ the dental service or procedure to be performed on~~done to~~ 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 ~~licensed~~ dental hygienist shall not practice under general supervision unless~~if~~ the licensee ~~does not~~holds~~Hold~~ a current board-issued general supervision registration ~~issued by the board~~.

Section 12. ~~Section 13.~~ Requirements for Intravenous Access Line Registration.

(1) A ~~An individual~~ licensed ~~as a~~ dental hygienist ~~in Kentucky and not subject to disciplinary action~~ 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 ~~Submit documentation proving successful completion of~~ a board-approved course in starting IV access lines.

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

(3) A ~~licensed~~ dental hygienist shall not start ~~an~~ IV access lines~~line~~ in Kentucky ~~unless~~~~if~~ the licensee ~~does not~~:

- (a) Holds ~~Hold~~ a current board-issued registration to start IV access lines; and~~or~~
- (b) Works ~~Work~~ 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~~a sedation or anesthesia permit issued by the board~~.

Section 13. ~~Section 14.~~ Requirements for Laser Debridement Registration.

(1) A ~~An individual~~ licensed ~~as a~~ dental hygienist ~~in Kentucky and not subject to disciplinary action~~ 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 ~~Submit documentation proving successful completion of~~ a board-approved course in performing laser debridement.

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

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

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

Section 14. ~~[Section 15.]~~ Requirements for Public Health Registration.

(1) Δ [An individual] licensed ~~[as a]~~ dental hygienist ~~[in Kentucky and not subject to disciplinary action]~~ who desires to practice as a public health registered dental hygienist shall:

(a) Submit a signed and completed Application for Dental Hygiene Special Registrations~~[Registration]~~;

(b) Obtain at least two (2) years and 3,000 hours of verifiable experience in the practice of dental hygiene; and ~~[Meet the requirements established in KRS 313.040(8);]~~

(c) ~~[Document through payroll records, employment records, or other proof that is independently verifiable, the dates and hours of employment by a dentist in the practice of dental hygiene that demonstrate the required two (2) years and 3,000 hours of experience; and]~~

~~[(d)] [During each biennial license period, successfully]~~ Complete a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies~~[that shall include, at a minimum, the following topics:]~~

~~[1.] [Medical history, including American Society of Anesthesiologists (ASA) classifications of physical status;]~~

~~[2.] [Recognition of common medical emergency situations, symptoms, and possible outcomes;]~~

~~[3.] [Office emergency protocols; and]~~

~~[4.] [Prevention of emergency situations during dental treatments; and]~~

~~[(e)] [During each biennial license period, complete at least three (3) hours of continuing education in public health or public dental health].~~

(2) Upon authorizing a licensee [An individual authorized] to practice pursuant to this section, the board shall issue an updated dental hygiene license~~[subsection (1) of this section shall receive a certificate from the board]~~ 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~~[supervision]~~ 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 [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)~~(a), (b), (c), or (d)~~ 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. [Section 16.] Issuance of Initial Licensure. Upon an applicant's completion of all [If an applicant has completed the] 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. [Section 17.] Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Application for Charitable Limited Licensure", January 2024; ["Application for Charitable Dental Hygiene Limited Licensure", May 2023;]
 - (b) "Application for Dental Hygiene Licensure", September 2024; ["Application for Dental Hygiene Licensure", May 2023;]
 - (c) "Application for Dental Hygiene Special Registrations", September 2024 ["Application for Dental Hygiene Special Registrations", February 2023;]
 - (d) "Application for Renewal of Dental Hygiene Licensure", September 2024; ["Application for Renewal of Dental Hygiene Licensure", May 2023; and]
 - (e) "Application to Reinstate [a]Dental or Dental Hygiene Licensure [License]", January 2024; [May 2023.]
 - (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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jeffrey Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes requirements to practice dental hygiene in Kentucky.

(b) The necessity of this administrative regulation:

KRS 313.021(1)(a) requires the board to exercise the administrative functions of the Commonwealth in the regulation of dental hygienists.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation establishes the rules for obtaining a license to practice as a dental hygienist in Kentucky.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation establishes requirements for being licensed to practice dental hygiene in conformity with its authorizing statute.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment is not intended to make substantive changes, merely to clarify existing language and processes.

(b) The necessity of the amendment to this administrative regulation:

The amendment is necessary to clarify details about certain aspects of dental hygiene licensure and practice.

(c) How the amendment conforms to the content of the authorizing statutes:

This amendment maintains established requirements for being licensed to practice dental hygiene in conformity with its authorizing statute.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment will clarify certain aspects of dental licensure, making the licensure process more efficient and effective for both board staff and potential licensees

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This administrative regulation will primarily affect the approximately 3,000 licensed dental hygienists in Kentucky as well as any new applicants for licensure and, indirectly, the patients of licensed dental hygienists.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Each individual impacted will be required to apply for or renew their licensure in accordance with applicable law and administrative regulations.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

This administrative regulation does not specifically enumerate costs, which are already established in 201 KAR 8:520.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

The administrative regulation will result in a healthier patient population and the avoidance of potentially costly violations of applicable law and administrative regulations by licensed dental hygienists.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

No additional cost.

(b) On a continuing basis:

No additional cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Licensure fees are used to fund the implementation of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

Fee amounts are already established in a separate administrative regulation (201 KAR 8:520) and no increase is needed.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not impact existing fees which are already established in 201 KAR 8:520.

(9) TIERING: Is tiering applied?

No; this administrative regulation impacts all similarly situated entities equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 313.021.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Board of Dentistry is the promulgating agency.

(a) Estimate the following for the first year:

Expenditures: There will be no additional administrative costs as a result of this administrative regulation.

Revenues: This amendment does not alter the existing revenue generated by dental licensure, which is approximately \$400,000 every fiscal biennium to the Board of Dentistry.

Cost Savings: None

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

No change.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

None

(a) Estimate the following for the first year:

Expenditures: None

Revenues: None

Cost Savings: None

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

No change.

(4) Identify additional regulated entities not listed in questions (2) or (3):

None

(a) Estimate the following for the first year:

Expenditures: None

Revenues: None

Cost Savings: None

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

No change.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

This administrative regulation does not establish specific fee amounts, which are contained in a separate administrative regulation; however, the revenue generated from dental hygiene licensure is approximately \$400,000 every fiscal biennium and will not change as a result of this revision. Expenditures specifically related to this administrative regulation are difficult to determine due to indirect personnel and

overhead costs; however, total agency expenditures are approximately \$900,000 every fiscal biennium.

(b) Methodology and resources used to determine the fiscal impact:

Historical budget performance.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

This administrative regulation does not directly have a major economic impact as it does not contain specific fee amounts. When administered in conjunction with the current fees established elsewhere, it impacts the dental health community by approximately \$400,000 per year, primarily from licensure fees.

(b) The methodology and resources used to reach this conclusion:

Historical budget performance.