

1 AN ACT relating to licensed dental hygienists.

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

3 ➔Section 1. KRS 313.040 is amended to read as follows:

- 4 (1) The board shall promulgate administrative regulations in accordance with KRS  
5 Chapter 13A relating to dental hygienists. The administrative regulations may  
6 include at a minimum the classification of and licensure of dental hygienists, by  
7 examination or credentials, general supervision privileges, anesthesia registration,  
8 retirement of a license, reinstatement of a license, and charity licenses.
- 9 (2) Renewal programs shall be organized to include continuing education approved by  
10 the board.
- 11 (3) A licensed dental hygienist shall practice under the supervision, order, control, and  
12 full responsibility of a dentist licensed under this chapter and may practice:
- 13 (a) In a dental office, public or private school, health care facility, or government  
14 institution with a dentist on staff;
- 15 (b) Without the physical presence of a supervising dentist as provided in  
16 administrative regulations promulgated pursuant to subsections (6), (7), and  
17 (8) of this section; or
- 18 (c) Without a supervising dentist if providing screening services in accordance  
19 with subsection (9) of this section.
- 20 (4) It shall be unlawful for a person or corporation to practice dental hygiene in a  
21 manner that is separate or independent from the dental practice of a supervising  
22 dentist or to establish or maintain an office or practice that is primarily devoted to  
23 the provision of dental hygiene services.
- 24 (5) A dental hygienist may be employed by the supervising dentist or under contract  
25 with a dentist licensed under this chapter who is one (1) of the following:
- 26 (a) The employer of the supervising dentist;
- 27 (b) A shareholder in a professional association formed under KRS 274.015 of

- 1           which the supervising dentist is a shareholder;
- 2           (c) A member or manager of a limited liability company formed under KRS
- 3           275.005 of which the supervising dentist is a member or manager;
- 4           (d) A shareholder in a corporation formed under KRS Chapter 271B of which the
- 5           supervising dentist is a shareholder;
- 6           (e) A partner or employee of a partnership of which the supervising dentist is a
- 7           partner or employee; or
- 8           (f) A government entity that employs the dental hygienist to provide dental
- 9           hygiene services in a public school in connection with other programs the
- 10          government entity administers.
- 11       (6) A dental hygienist may provide the following procedures in a volunteer community
- 12          health setting without the supervision of a dentist:
- 13           (a) Dental health education;
- 14           (b) Nutritional counseling;
- 15           (c) Preparing a generalized oral screening with subsequent referral to a dentist;
- 16           (d) Applying fluoride on patients;
- 17           (e) Demonstration of oral hygiene technique; and
- 18           (f) Sealants.
- 19       (7) (a) A dental hygienist may provide, for not more than fifteen (15) consecutive
- 20          full business days, dental hygiene services to a patient when the supervising
- 21          dentist is not physically present at the location at which the services are
- 22          provided if all the following requirements are met:
- 23           1. The dental hygienist has at least two (2) years with a minimum of three
- 24           thousand (3,000) hours of experience in the practice of dental hygiene;
- 25           2. The dental hygienist has successfully completed a course approved by
- 26           the board in the identification and prevention of potential medical
- 27           emergencies with reregistration in this course every two (2) years;

- 1           3. The dental hygienist complies with written protocols for emergencies  
2           the supervising dentist establishes;
- 3           4. The dental hygienist does not examine or provide dental health services  
4           to a patient who has not been examined by the supervising dentist within  
5           the previous seven (7) months. The supervising dentist shall have  
6           completed and evaluated a medical and dental history of the patient and  
7           shall have placed a written order for treatment in the patient's file. The  
8           board shall promulgate administrative regulations in accordance with  
9           KRS Chapter 13A to determine guidelines for the written order; and
- 10          5. A patient is notified in advance of an appointment for dental hygiene  
11          services when the supervising dentist will be absent from the location.  
12          The patient shall be required to sign an informed consent form, prior to  
13          treatment by the hygienist, acknowledging the dentist's absence.
- 14          (b) The board shall promulgate administrative regulations to determine  
15          procedures the dental hygienist shall not be allowed to perform while the  
16          supervising dentist is absent from the work site.
- 17   (8) A dental hygienist licensed by the board may practice as a public health hygienist  
18          and may provide dental hygiene services if:
- 19          (a) The services are provided as part of a dental health program;
- 20          (b) The program for which the hygienist works is operated through the  
21          Department for Public Health, ~~or~~ a governing board of health, **or a federally**  
22          **qualified health center**; and
- 23          (c) The hygienist performs only accepted standardized protocols which are  
24          contained within the scope of practice of dental hygiene and which are  
25          reviewed and approved by the Board of Dentistry and either the Department  
26          for Public Health or the dentist member of the governing board of health, as  
27          set out in administrative regulation.

1 (9) A dental hygienist may provide screening services in any setting without the  
2 supervision of a dentist if:

3 (a) The screening is conducted to fulfill the requirements of KRS 156.160(1)(j);  
4 and

5 (b) Patients are informed that the service being provided is a screening and that  
6 only a dentist is licensed to make a definitive diagnosis of the need for dental  
7 care.