



# HOUSE BILL No. 4657

April 27, 1993, Introduced by Reps. Yokich, Byrum, Bennane, Varga, Leland, Harrison, DeMars, Dobronski, Saunders, Gubow, Gire, Porreca, Brown, Scott, Jacobetti, Pitoniak, Anthony, Ciaramitaro, Emerson, O'Neill, Points, Shepich, Schroer, Berman, Griffin, Owen, Barns, Harder, Olshove, Rivers, Baade, Joe Young, Jr., Johnson, Dolan, Bankes, Brackenridge, Bodem, McNutt, London, Gernaat, McBryde and Gagliardi and referred to the Committee on Public Health.

A bill to amend sections 16131, 16601, 16611, 16621, and 16625 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

section 16131 as amended by Act No. 473 of the Public Acts of 1988 and section 16625 as amended by Act No. 58 of the Public Acts of 1991, being sections 333.16131, 333.16601, 333.16611, 333.16621, and 333.16625 of the Michigan Compiled Laws; and to add part 165.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 16131, 16601, 16611, 16621, and 16625  
2 of Act No. 368 of the Public Acts of 1978, section 16131 as  
3 amended by Act No. 473 of the Public Acts of 1988 and  
4 section 16625 as amended by Act No. 58 of the Public Acts of  
5 1991, being sections 333.16131, 333.16601, 333.16611, 333.16621,

1 and 333.16625 of the Michigan Compiled Laws, are amended and  
2 part 165 is added to read as follows:

3       Sec. 16131. The terms of office of individual members of  
4 the council or the boards and task forces, except those appointed  
5 to fill vacancies, ~~shall~~ expire 4 years after appointment as  
6 follows:

7	Nursing	June 30
8	Optometry	June 30
9	Pharmacy	June 30
10	Podiatric medicine and surgery	June 30
11	Dentistry	June 30
12	DENTAL HYGIENE	JUNE 30
13	Chiropractic	December 31
14	Counseling	June 30
15	Health occupations council	December 31
16	Medicine	December 31
17	Occupational therapists	December 31
18	Osteopathic medicine and surgery	December 31
19	Physical therapy	December 31
20	Psychology	December 31
21	Sanitaricians	December 31
22	Veterinary medicine	December 31

23                               PART 165. DENTAL HYGIENE

24       SEC. 16501. (1) AS USED IN THIS PART:

25       (A) "ALTERNATIVE PRACTICE OF DENTAL HYGIENE" MEANS THE  
26 PRACTICE OF DENTAL HYGIENE BY A DENTAL HYGIENIST UPON APPROVAL BY

1 THE BOARD AND COMPLIANCE WITH THE RULES OF THE BOARD, UNDER THE  
2 SUPERVISION OF A LICENSED DENTIST IN 1 OR MORE OF THE FOLLOWING  
3 SETTINGS:

4 (i) A PROGRAM FOR DENTALLY UNDERSERVED POPULATIONS IN THIS  
5 STATE CONDUCTED BY A STATE OR FEDERAL GRANTEE HEALTH AGENCY. AS  
6 USED IN THIS SUBPARAGRAPH, "STATE OR FEDERAL GRANTEE HEALTH  
7 AGENCY" MEANS A HEALTH AGENCY THAT RECEIVES DIRECT FINANCIAL SUP-  
8 PORT FROM THE STATE OR FEDERAL GOVERNMENT.

9 (ii) AS A MEMBER OF THE MEDICAL STAFF OF A HEALTH FACILITY  
10 OR AGENCY LICENSED UNDER ARTICLE 17.

11 (iii) THE RESIDENCE OF A HOMEBOUND INDIVIDUAL UPON AUTHORI-  
12 ZATION BY A DENTIST OR PHYSICIAN FOR DENTAL HYGIENE SERVICES.

13 (B) "ASSIGNMENT" MEANS THAT A DENTIST HAS DESIGNATED A  
14 PATIENT OF RECORD UPON WHOM SERVICES ARE TO BE PERFORMED BY A  
15 DENTAL HYGIENIST AND HAS DESCRIBED THE PROCEDURES TO BE  
16 PERFORMED. THE DENTIST NEED NOT BE PHYSICALLY PRESENT IN THE  
17 OFFICE OR IN THE TREATMENT ROOM AT THE TIME THE PROCEDURES ARE  
18 BEING PERFORMED.

19 (C) "DENTAL HYGIENIST" MEANS AN INDIVIDUAL LICENSED UNDER  
20 THIS PART TO ENGAGE IN THE PRACTICE OF DENTAL HYGIENE.

21 (D) "PRACTICE OF DENTAL HYGIENE" MEANS THE SCIENCE AND PRAC-  
22 TICE OF THE PREVENTION AND TREATMENT OF ORAL DISEASE THROUGH THE  
23 PROVISION OF EDUCATIONAL, CLINICAL, AND THERAPEUTIC SERVICES  
24 UNDER ASSIGNMENT, INCLUDING, BUT NOT LIMITED TO, ALL OF THE  
25 FOLLOWING:

- 1        (i) REMOVAL OF ACCRETIONS AND STAINS FROM THE SURFACES OF  
2 TEETH AND APPLICATION OF TOPICAL AGENTS ESSENTIAL TO COMPLETE A  
3 PROPHYLAXIS.
- 4        (ii) ROOT PLANING.
- 5        (iii) POLISHING AND CONTOURING RESTORATIONS.
- 6        (iv) APPLICATION OF ANTICARIOGENIC AGENTS.
- 7        (v) CHARTING OF THE ORAL CAVITY WITH THE USE OF RADIOGRAPHS,  
8 INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING:
- 9        (A) PERIODONTAL CHARTING.
- 10       (B) INTRA-ORAL AND EXTRA-ORAL EXAMINATION OF SOFT TISSUE.
- 11       (C) CHARTING OF RADIOLUCENCIES OR RADIOPASITIES, EXISTING  
12 RESTORATIONS, AND MISSING TEETH.
- 13       (vi) PRELIMINARY EXAMINATION, INCLUDING, BUT NOT LIMITED TO,  
14 BOTH OF THE FOLLOWING:
- 15       (A) CLASSIFYING OCCLUSION.
- 16       (B) TESTING PULP VITALITY BY USE OF AN ELECTRIC PULP  
17 TESTER.
- 18       (vii) APPLICATION OF NONAEROSOL AND NONCAUSTIC TOPICAL ANES-  
19 THETIC AGENTS BY PRESCRIPTION OF A DENTIST.
- 20       (viii) PLACEMENT AND REMOVAL OF INTRA-CORONAL TEMPORARY  
21 DRESSINGS.
- 22       (ix) TAKING INTRA-ORAL MEASUREMENTS FOR ORTHODONTIC  
23 PROCEDURES.
- 24       (x) PLACEMENT AND REMOVAL OF POSTEXTRACTION AND PERIODONTAL  
25 DRESSINGS.
- 26       (xi) REMOVAL OF EXCESS CEMENT FROM TOOTH SURFACES.

1 (xi) NUTRITIONAL COUNSELING FOR ORAL HEALTH AND  
2 MAINTENANCE.

3 (xii) APPLICATION OF EMERGENCY PROCEDURES APPROVED BY THE  
4 BOARD.

5 (xiv) REMOVAL OF SUTURES.

6 (xv) SOFT TISSUE CURETTAGE.

7 (2) IN ADDITION, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND  
8 PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS  
9 CODE AND PART 161 CONTAINS DEFINITIONS APPLICABLE TO THIS PART.

10 SEC. 16503. THE MICHIGAN BOARD OF DENTAL HYGIENE IS CREATED  
11 IN THE DEPARTMENT. THE BOARD CONSISTS OF THE FOLLOWING 5 VOTING  
12 MEMBERS WHO SHALL MEET THE REQUIREMENTS OF PART 161: 3 DENTAL  
13 HYGIENISTS AND 2 PUBLIC MEMBERS. THE BOARD MEETING DATES AND  
14 TIMES SHALL BE CONCURRED IN BY A VOTE OF NOT LESS THAN 3 BOARD  
15 MEMBERS.

16 SEC. 16505. UNLESS AMENDED OR RESCINDED BY THE BOARD, RULES  
17 PROMULGATED ON OR BEFORE THE EFFECTIVE DATE OF THIS PART BY THE  
18 MICHIGAN BOARD OF DENTISTRY UNDER SECTION 16625 AND PERTAINING TO  
19 THE PRACTICE OF DENTAL HYGIENE REMAIN IN FULL FORCE AND EFFECT.  
20 AFTER THE EFFECTIVE DATE OF THIS PART, THE MICHIGAN BOARD OF  
21 DENTAL HYGIENE SHALL ENFORCE THE RULES DESCRIBED IN THIS SECTION.

22 SEC. 16507. (1) AN INDIVIDUAL SHALL NOT ENGAGE IN THE PRAC-  
23 TICE OF DENTAL HYGIENE OR IN THE ALTERNATIVE PRACTICE OF DENTAL  
24 HYGIENE UNLESS LICENSED OR OTHERWISE AUTHORIZED BY THIS ARTICLE.

25 (2) DEEP SCALING, ROOT PLANING, AND THE REMOVAL OF CALCAR-  
26 EOUS DEPOSITS SHALL BE PERFORMED ONLY BY AN INDIVIDUAL LICENSED  
27 UNDER THIS ARTICLE AS A DENTAL HYGIENIST OR A DENTIST.

1 (3) THE BOARD SHALL NOT ISSUE A LICENSE UNDER THIS PART TO  
2 AN INDIVIDUAL UNLESS THAT INDIVIDUAL IS A GRADUATE OF A DENTAL  
3 HYGIENE PROGRAM WITH A MINIMUM OF 2 ACADEMIC YEARS OF CURRICULUM  
4 PROVIDED IN A COLLEGE OR INSTITUTION OF HIGHER EDUCATION, WHICH  
5 PROGRAM IS ACCREDITED BY A NATIONAL AGENCY RECOGNIZED BY THE  
6 COUNCIL ON POSTSECONDARY ACCREDITATION OR THE UNITED STATES  
7 DEPARTMENT OF EDUCATION AND IS APPROVED BY THE BOARD.

8 (4) A DENTAL HYGIENIST'S LICENSE ISSUED BY THE MICHIGAN  
9 BOARD OF DENTISTRY IS VALID UNTIL ITS EXPIRATION DATE. THE  
10 HOLDER OF A LICENSE DESCRIBED IN THIS SUBSECTION SHALL APPLY FOR  
11 RENEWAL OF THE LICENSE WITH THE MICHIGAN BOARD OF DENTAL  
12 HYGIENE. THE MICHIGAN BOARD OF DENTAL HYGIENE SHALL RENEW THE  
13 LICENSE IF THE APPLICANT MEETS ALL OF THE CONDITIONS FOR RENEWAL.

14 SEC. 16509. (1) A DENTAL HYGIENIST SHALL NOT KNOWINGLY FAIL  
15 TO COMPLY WITH THE INFECTION CONTROL STANDARDS ESTABLISHED BY THE  
16 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION AND APPROVED BY THE  
17 BOARD OR OTHER INFECTION CONTROL GUIDELINES PROMULGATED OR  
18 APPROVED BY THE BOARD.

19 (2) A DENTAL HYGIENIST SHALL NOT REFUSE, WITHHOLD FROM,  
20 DENY, OR DISCRIMINATE AGAINST AN INDIVIDUAL WITH REGARD TO PRO-  
21 VIDING PROFESSIONAL SERVICES THE LICENSEE IS LICENSED AND QUALI-  
22 FIED TO RENDER BECAUSE THE INDIVIDUAL IS HIV INFECTED.

23 (3) AS USED IN THIS SECTION, "HIV INFECTED" MEANS THAT TERM  
24 AS DEFINED IN SECTION 5101.

25 Sec. 16601. (1) As used in this part:

26 (a) "Assignment" means that a dentist has designated a  
27 patient of record upon whom services are to be performed and has

1 described the procedures to be performed. The dentist need not  
2 be physically present in the office or in the treatment room at  
3 the time the procedures are being performed.

4 (b) "Dental laboratory" means a dental workroom operated as  
5 a part of a dental office or otherwise, by a person, other than a  
6 dentist, who is engaged in, or holds himself, herself, or itself  
7 out as being directly or indirectly engaged in, constructing,  
8 repairing, or altering prosthetic dentures, bridges, orthodontic  
9 or other appliances, or structures to be used as substitutes for  
10 or as a part of human teeth or jaws or associated structures, or  
11 for the correction of malocclusions or deformities.

12 (c) "Dentist" means an individual licensed under this arti-  
13 cle to engage in the practice of dentistry.

14 (d) "Practice of dentistry" means the diagnosis, treatment,  
15 prescription, or operation for a disease, pain, deformity, defi-  
16 ciency, injury, or physical condition of the human tooth, teeth,  
17 alveolar process, gums or jaws, or their dependent tissues, or an  
18 offer, undertaking, attempt to do, or holding oneself out as able  
19 to do any of these acts.

20 (e) "Practice as a dental assistant" means assistance in the  
21 clinical practice of dentistry based on formal education, spe-  
22 cialized knowledge, and skill at the assignment and under the  
23 supervision of a dentist.

24 ~~(f) "Practice as a dental hygienist" means practice at the~~  
25 ~~assignment of a dentist in that specific area of dentistry based~~  
26 ~~on specialized knowledge, formal education, and skill with~~

1 ~~particular emphasis on preventive services and oral health~~  
2 ~~education.~~

3 (2) In addition, article 1 contains general definitions and  
4 principles of construction applicable to all articles in this  
5 code and part 161 contains definitions applicable to this part.

6 Sec. 16611. (1) A person shall not engage in the practice  
7 of dentistry ~~, the practice as a dental hygienist, or the~~  
8 ENGAGE IN practice as a dental assistant unless licensed or oth-  
9 erwise authorized by this article.

10 (2) Deep scaling, root planing, and the removal of calcar-  
11 eous deposits ~~may only~~ SHALL be performed ONLY by ~~individuals~~  
12 AN INDIVIDUAL licensed UNDER THIS ARTICLE as a dental hygienist  
13 or a dentist.

14 Sec. 16621. (1) The Michigan board of dentistry is created  
15 in the department. The board shall consist of the following ~~+3-~~  
16 11 voting members who shall meet the requirements of part 161: 7  
17 dentists, ~~2 dental hygienists,~~ 2 dental assistants, and 2  
18 public members. The board meeting dates and times shall be con-  
19 curred in by a vote of not less than 10 board members. Not more  
20 than 1 member of the board may be a dental school faculty  
21 member.

22 ~~(2) The dental assistants first appointed to the board~~  
23 ~~shall be graduates of a dental assisting program accredited by~~  
24 ~~the commission on accreditation of the American dental~~  
25 ~~association. This subsection shall expire 3 years after the~~  
26 ~~effective date of this article.~~

1 ~~(3) The requirement of section 16135(d) that a board member~~  
 2 ~~shall have practiced that profession for 2 years immediately~~  
 3 ~~before appointment is waived for 2 years after the effective date~~  
 4 ~~of this part for members of the board licensed as dental assist-~~  
 5 ~~ants by this part.~~

6 (2) ~~(4)~~ A board member licensed to practice as ~~a dental~~  
 7 ~~hygienist or~~ a dental assistant shall vote as an equal member in  
 8 all matters except those designated in section 16148(1) or (2)  
 9 which apply to dentists and not to ~~dental hygienists or~~ dental  
 10 assistants.

11 (3) THE TERMS OF THE MEMBERS OF THE MICHIGAN BOARD OF DEN-  
 12 TISTRY WHO ARE DENTAL HYGIENISTS EXPIRE ON THE EFFECTIVE DATE OF  
 13 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

14 Sec. 16625. (1) The board may promulgate rules to prohibit  
 15 or otherwise restrict the assignment of procedures to ~~a dental~~  
 16 ~~hygienist or~~ a dental assistant if the board determines that the  
 17 assignment constitutes or may constitute a danger to the health,  
 18 safety, or welfare of the patient or the public.

19 (2) Notwithstanding section ~~16601(1)(f)~~ 16501(1)(D) or the  
 20 rules promulgated under subsection (1), a dental hygienist may  
 21 perform dental hygiene services under the supervision of a den-  
 22 tist as part of a program for dentally underserved populations in  
 23 this state conducted by a local, state, or federal grantee health  
 24 agency for patients who are not assigned by a dentist. The  
 25 director of public health shall designate a person as a grantee  
 26 health agency for a 2-year period if the person applies to the

1 department of public health on a form provided by the department  
2 of public health and meets all of the following requirements:

3 (a) Is a public or nonprofit agency administering a program  
4 of dental care to a dentally underserved population.

5 (b) Obtains more than 50% of its total revenue from public  
6 or nonprofit organization sources.

7 (c) Employs or contracts with at least 1 dentist and 1  
8 dental hygienist.

9 (d) Is not associated with a private dental practice or an  
10 incorporated dental service provider whose only source of state  
11 or federal funding is reimbursement under the program for medical  
12 assistance administered by the department of social services  
13 under the social welfare act, Act No. 280 of the Public Acts of  
14 1939, being sections 400.1 to ~~400.121~~ 400.119B of the Michigan  
15 Compiled Laws.

16 (e) Submits a program overview indicating the approximate  
17 population to be served, the method by which the service is to be  
18 provided, and the procedures for program oversight and  
19 direction.

20 (3) The director of public health may appoint an advisory  
21 committee to assist the director of public health in designating  
22 grantee health agencies under subsection (2). If the director of  
23 public health does appoint an advisory committee under this sub-  
24 section, the director of public health shall include on the  
25 advisory committee, at a minimum, a representative from the  
26 Michigan dental hygienist association or its successor

1 organization and a representative from the Michigan dental  
2 association or its successor organization.

3 (4) As used in this section, "supervision" means the over-  
4 seeing of or participation in the work of any other individual by  
5 a health professional licensed under this article in circum-  
6 stances in which 1 or more of the following exist:

7 (a) The continuous availability of direct communication in  
8 person or by radio, telephone, or telecommunication between the  
9 supervised individual and a licensed health professional.

10 (b) The availability of a licensed health professional on a  
11 regularly scheduled basis to review the practice of the super-  
12 vised individual, to provide consultation to the supervised indi-  
13 vidual, to review records, and to further educate the supervised  
14 individual in the performance of the individual's functions.

15 (c) The provision by the licensed supervising health profes-  
16 sional of predetermined procedures and drug protocol.