

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4675**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16611 (MCL 333.16611), as amended by 2003 PA
35.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16611. (1) An individual shall not engage in the
2 practice of dentistry, the practice as a dental hygienist, or the
3 practice as a dental assistant unless he or she is licensed or
4 otherwise authorized by this article.

5 (2) Deep scaling, root planing, and the removal of calcareous
6 deposits may only be performed by an individual licensed or
7 otherwise authorized by this article as a dental hygienist or a
8 dentist.

9 (3) The department shall not issue a dental hygienist's
10 license to an individual unless the individual has graduated from

1 a school or college for dental hygienists whose dental hygiene
2 program is accredited by the commission on dental accreditation
3 of the American dental association and approved by the
4 department. The school or college must be accredited by a
5 regional accrediting agency for colleges, universities, or
6 institutions of higher education that is recognized by the United
7 States department of education and approved by the department and
8 must conduct a curriculum consisting of not less than 2 academic
9 years for dental hygiene graduation with courses at the
10 appropriate level to enable matriculation into a more advanced
11 academic degree program.

12 (4) Upon delegation by a dentist under section 16215 and
13 under the direct supervision of a dentist, a dental hygienist may
14 administer intraoral block and infiltration anesthesia ~~to a~~
15 ~~patient who is 18 years of age or older~~ **or nitrous oxide**
16 **analgesia, or both, to a patient 18 years of age or older,** if the
17 following criteria are met:

18 (a) The dental hygienist has successfully completed a course
19 in the administration of local anesthesia **or nitrous oxide**
20 **analgesia, or both, as applicable,** offered by a dental or dental
21 hygiene program accredited by the commission on dental
22 accreditation of the American dental association and approved by
23 the department. A course described in this subdivision **involving**
24 **local anesthesia administration** must contain a minimum of 15
25 hours didactic instruction and 14 hours of clinical experience.
26 **A course described in this subdivision involving nitrous oxide**
27 **analgesia administration must contain a minimum of 4 hours of**

1 **didactic instruction and 4 hours of clinical experience.** The
 2 courses of instruction shall include content in all of the
 3 following:

4 **(i) In the case of local anesthesia, the following:**

5 **(A) —(i)—** Theory of pain control.

6 **(B) —(ii)—** Selection of pain control modalities.

7 **(C) —(iii)—** Anatomy.

8 **(D) —(iv)—** Neurophysiology.

9 **(E) —(v)—** Pharmacology of local anesthetics.

10 **(F) —(vi)—** Pharmacology of vasoconstrictors.

11 **(G) —(vii)—** Psychological aspects of pain control.

12 **(H) —(viii)—** Systemic complications.

13 **(I) —(ix)—** Techniques of maxillary anesthesia.

14 **(J) —(x)—** Techniques of mandibular anesthesia.

15 **(K) —(xi)—** Infection control.

16 **(L) —(xii)—** Local anesthesia medical emergencies.

17 **(ii) In the case of nitrous oxide analgesia, the following:**

18 **(A) Nitrous oxide analgesia medical emergency techniques.**

19 **(B) Pharmacology of nitrous oxide.**

20 **(C) Nitrous oxide techniques.**

21 **(D) If such a course is available, selection of pain control**
 22 **modalities.**

23 (b) The dental hygienist has successfully completed a state
 24 or regional board-administered written examination on ~~local~~
 25 ~~anesthesia~~ **either or both of the following** within 18 months of
 26 completion of the course work required under subdivision (a): —

27 **(i) Local anesthesia.**

1 (ii) Nitrous oxide analgesia, if such an examination is
2 available and approved by the department.

3 (c) The dental hygienist maintains and can show evidence of
4 current certification in basic or advanced cardiac life support
5 in compliance with R 338.11701 of the Michigan administrative
6 code.

7 (5) Application for certification in the administration of
8 local anesthesia **and nitrous oxide** under subsection (4) is at the
9 discretion of each individual dental hygienist. **The department**
10 **or its designee shall issue a certificate to a dental hygienist**
11 **who meets the criteria in subsection (4) following the initial**
12 **completion of the requirements to administer local anesthesia or**
13 **nitrous oxide, or both. The certificate is not subject to**
14 **renewal but is part of the dental hygienist's permanent record**
15 **and must be prominently displayed in the dental hygienist's**
16 **principal place of employment. The fee for the person seeking**
17 **certification for completion of the requirements of subsection**
18 **(4) is \$10.00.**

19 (6) Monitoring and assisting the administration of nitrous
20 oxide analgesia is at the discretion of each individual
21 registered dental assistant who fulfills the applicable
22 conditions imposed in subsection (7).

23 (7) In addition to the rules promulgated by the department
24 under this part, upon delegation by a dentist under section 16215
25 and under the direct supervision of a dentist, a registered
26 dental assistant may assist and monitor the administration of
27 nitrous oxide analgesia by the dentist or dental hygienist if the

1 registered dental assistant has successfully completed a course
2 in the assisting and monitoring of the administration of nitrous
3 oxide analgesia offered by a dental or dental assisting program
4 accredited by the commission on dental accreditation of the
5 American dental association and approved by the department. The
6 course must contain a minimum of 5 hours of didactic instruction
7 and include content in all of the following:

8 (a) Nitrous oxide analgesia medical emergencies techniques.

9 (b) Pharmacology of nitrous oxide.

10 (c) Nitrous oxide techniques.

11 (8) The ability of a dental hygienist to administer nitrous
12 oxide analgesia under this section is limited to circumstances in
13 which the dental hygienist may administer not more than 50%
14 nitrous oxide.

15 (9) In the assisting by a registered dental assistant
16 otherwise qualified under this section in the administration of
17 nitrous oxide analgesia, the nitrous oxide levels must be preset
18 by the dentist or dental hygienist and shall not be adjusted by
19 the registered dental assistant except in the case of an
20 emergency, in which circumstances the registered dental assistant
21 may turn off the nitrous oxide and administer 100% oxygen.

22 (10) ~~(6)~~ Upon assignment by a dentist, a dental hygienist
23 may take an impression for orthodontic appliances, mouth guards,
24 bite splints, and bleaching trays.

25 (11) ~~(7)~~ In addition to the rules promulgated by the
26 department under this part, upon delegation by a dentist under
27 section 16215 and under the direct supervision of a dentist, a

1 registered dental assistant may ~~perform the following~~
2 ~~procedures:~~

3 ~~—— (a) Placing, condensing, and carving~~ **place, condense, and**
4 **carve** amalgam restorations ~~—~~

5 ~~—— (b) Taking~~ **and take** final impressions for indirect
6 restorations **if the registered dental assistant has successfully**
7 **completed a course offered by a dental or dental assisting**
8 **program accredited by the commission on dental accreditation of**
9 **the American dental association and approved by the department.**
10 **For taking final impressions and placing, condensing, and carving**
11 **amalgam restorations, the registered dental assistant shall have**
12 **completed a course with a minimum of 20 hours' didactic**
13 **instruction followed by a comprehensive clinical experience of**
14 **sufficient duration that validates clinical competence through a**
15 **criterion based assessment instrument.**

16 **(12) —(8)—** In addition to the rules promulgated by the
17 department under this part, upon delegation by a dentist under
18 section 16215 and under the general supervision of a dentist, a
19 registered dental assistant may perform the following intra-oral
20 dental procedures **if the registered dental assistant has**
21 **successfully completed a course meeting the standards described**
22 **in subsection (13) offered by a dental or dental assisting**
23 **program accredited by the commission on dental accreditation of**
24 **the American dental association and approved by the department:**

- 25 (a) Performing pulp vitality testing.
26 (b) Placing and removing matrices and wedges.
27 (c) Applying cavity liners and bases.

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1 (d) Placing and packing nonepinephrine retraction cords.

2 (e) Applying desensitizing agents.

3 (f) Taking an impression for orthodontic appliances, mouth
4 guards, bite splints, and bleaching trays.

5 (g) Drying endodontic canals with absorbent points.

6 (h) Etching and placing adhesives prior to placement of
7 orthodontic brackets.

8 (13) The course in subsection (12) that involves those
9 intra-oral procedures described in subsection (12) must contain a
10 minimum of 10 hours of didactic and clinical instruction.

11 (14) ~~(9)~~ This section does not require new or additional
12 third party reimbursement or mandated worker's compensation
13 benefits for services rendered by an individual licensed as a
14 dental assistant or as a dental hygienist under this article.

<<(15) Within 30 days after the effective date of the amendatory act that added this subsection, the board shall develop patient safety and equipment practice guidelines for dentists delegating to dental hygienists and dental assistants the administration of nitrous oxide analgesia under this part. The practice guidelines shall be consistent with national recommendations.>>

15 **<<(16)>>** ~~(10)~~ As used in this section:

16 (a) "Assisting" means setting up equipment and placing the
17 face mask. Assisting does not include titrating and turning on
18 or off equipment.

19 (b) ~~(a)~~ "Direct supervision" means that a dentist complies
20 with all of the following:

21 (i) Designates a patient of record upon whom the procedures
22 are to be performed and describes the procedures to be
23 performed.

24 (ii) Examines the patient before prescribing the procedures
25 to be performed and upon completion of the procedures.

26 (iii) Is physically present in the office at the time the
27 procedures are being performed.

1 (c) ~~(b)~~ "General supervision" means that a dentist complies
2 with all of the following:

3 (i) Designates a patient of record upon whom services are to
4 be performed.

5 (ii) Is physically present in the office at the time the
6 procedures are being performed.

7 (d) **"Monitoring" means observing levels and reporting to the**
8 **dentist or dental hygienist.**