

HOUSE BILL No. 5374

February 16, 2016, Introduced by Rep. Chatfield and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16611 (MCL 333.16611), as amended by 2004 PA
30.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 (2) Deep scaling, root planing, and the removal of calcareous
6 deposits may only be performed by an individual **WHO IS** 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 a

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

13 (4) Upon delegation by a dentist under section 16215 and under
14 the direct supervision of a dentist, a dental hygienist may
15 administer intraoral block and infiltration anesthesia or nitrous
16 oxide analgesia, or both, to a patient 18 years of age or older, if
17 the 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~~ **COMMISSION ON DENTAL ACCREDITATION** of the American
23 ~~dental association~~ **DENTAL ASSOCIATION** and approved by the
24 department. A course described in this subdivision involving local
25 anesthesia administration must contain a minimum of 15 hours
26 didactic instruction and 14 hours of clinical experience. A course
27 described in this subdivision involving nitrous oxide analgesia

1 administration must contain a minimum of 4 hours of didactic
2 instruction and 4 hours of clinical experience. The courses of
3 instruction shall include content in all of the following:

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

5 (A) Theory of pain control.

6 (B) Selection of pain control modalities.

7 (C) Anatomy.

8 (D) Neurophysiology.

9 (E) Pharmacology of local anesthetics.

10 (F) Pharmacology of vasoconstrictors.

11 (G) Psychological aspects of pain control.

12 (H) Systemic complications.

13 (I) Techniques of maxillary anesthesia.

14 (J) Techniques of mandibular anesthesia.

15 (K) Infection control.

16 (L) 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 or
24 regional board-administered written examination on either or both
25 of the following within 18 months of completion of the course work
26 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 in
5 compliance with R 338.11701 of the Michigan administrative code.

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

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

21 (7) In addition to the rules promulgated by the department
22 under this part, upon delegation by a dentist under section 16215
23 and under the direct supervision of a dentist, a ~~registered~~-dental
24 assistant may assist and monitor the administration of nitrous
25 oxide analgesia by the dentist or dental hygienist if the
26 ~~registered~~-dental assistant has successfully completed a course in
27 the assisting and monitoring of the administration of nitrous oxide

1 analgesia offered by a dental or dental assisting program
2 accredited by the ~~commission on dental accreditation~~ **COMMISSION ON**
3 **DENTAL ACCREDITATION** of the American ~~dental association~~ **DENTAL**
4 **ASSOCIATION** and approved by the department. The course must contain
5 a minimum of 5 hours of didactic instruction and include content in
6 all of the following:

7 (a) Nitrous oxide analgesia medical emergencies techniques.

8 (b) Pharmacology of nitrous oxide.

9 (c) Nitrous oxide techniques.

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

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

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

24 (11) In addition to the rules promulgated by the department
25 under this part, upon delegation by a dentist under section 16215
26 and under the direct supervision of a dentist, a ~~registered~~ dental
27 assistant may place, condense, and carve amalgam restorations and

1 take final impressions for indirect restorations if the ~~registered~~
2 dental assistant has successfully completed a course offered by a
3 dental or dental assisting program accredited by the ~~commission on~~
4 ~~dental accreditation~~ **COMMISSION ON DENTAL ACCREDITATION** of the
5 American ~~dental association~~ **DENTAL ASSOCIATION** and approved by the
6 department. For taking final impressions and placing, condensing,
7 and carving amalgam restorations, the ~~registered~~ dental assistant
8 shall have completed a course with a minimum of 20 hours' didactic
9 instruction followed by a comprehensive clinical experience of
10 sufficient duration that validates clinical competence through a
11 criterion based assessment instrument.

12 (12) In addition to the rules promulgated by the department
13 under this part, upon delegation by a dentist under section 16215
14 and under the general supervision of a dentist, a ~~registered~~ dental
15 assistant may perform the following intraoral dental procedures if
16 the ~~registered~~ dental assistant has successfully completed a course
17 meeting the standards described in subsection (13) offered by a
18 dental or dental assisting program accredited by the ~~commission on~~
19 ~~dental accreditation~~ **COMMISSION ON DENTAL ACCREDITATION** of the
20 American ~~dental association~~ **DENTAL ASSOCIATION** and approved by the
21 department:

- 22 (a) Performing pulp vitality testing.
- 23 (b) Placing and removing matrices and wedges.
- 24 (c) Applying cavity liners and bases.
- 25 (d) Placing and packing nonepinephrine retraction cords.
- 26 (e) Applying desensitizing agents.
- 27 (f) Taking an impression for orthodontic appliances, mouth

guards, bite splints, and bleaching trays.

(g) Drying endodontic canals with absorbent points.

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

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

(14) IN ADDITION TO ANY PRESCRIPTIVE AUTHORITY GRANTED BY RULES PROMULGATED BY THE DEPARTMENT UNDER THIS PART, UPON ASSIGNMENT BY A DENTIST, AND FOLLOWING PRACTICE GUIDELINES THAT ARE CONSISTENT WITH NATIONAL RECOMMENDATIONS, A DENTAL HYGIENIST MAY PRESCRIBE ANY OF THE FOLLOWING FOR A PATIENT:

(A) ANY FLUORIDE SUPPLEMENT IN THE FORM OF A TABLET, LOZENGE, DROP, OR SIMILAR METHOD OF ORAL DOSING.

(B) ANY TOPICAL SODIUM FLUORIDE OR STANNOUS FLUORIDE ANTI-CARIES TREATMENT IN THE FORM OF A TOOTHPASTE, GEL, RINSE, VARNISH, PROPHY PASTE, OR SIMILAR METHOD OF APPLICATION.

(C) ANY TOPICAL OR SUBGINGIVAL ANTI-INFECTIVE.

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

(16) ~~(15) Within 30 days after the effective date of the amendatory act that added this subsection,~~ BY APRIL 21, 2004, 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

1 part. The practice guidelines shall be consistent with national
2 recommendations.

3 (17) ~~(16)~~—As used in this section:

4 (a) "Assisting" means setting up equipment and placing the
5 face mask. Assisting does not include titrating and turning on or
6 off equipment.

7 (b) "Direct supervision" means that a dentist complies with
8 all of the following:

9 (i) Designates a patient of record upon whom the procedures
10 are to be performed and describes the procedures to be performed.

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

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

15 (c) "General supervision" means that a dentist complies with
16 all of the following:

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

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

21 (d) "Monitoring" means observing levels and reporting to the
22 dentist or dental hygienist.

23 Enacting section 1. This amendatory act takes effect 90 days
24 after the date it is enacted into law.