

Regulations Draft

Code of Maryland Regulations (COMAR 10.44.01) Dental Assistants

Dental Board Vote – June 5, 2024

THESE REGULATIONS HAVE BEEN SUBMITTED FOR PROMULGATION TO THE SECRETARY OF HEALTH

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Board” means the Maryland State Board of Dental Examiners.

(2) “Board-approved course” means a course that is expressly approved by the Dental Board after an entity has applied to the Dental Board for Dental Board approval on a form provided by the Dental Board.

(3) “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(4) “Dental assistant” means an individual, other than an individual licensed in the State as a dentist or a dental hygienist, who directly assists a dentist in the practice of dentistry.

(5) “Dental Assisting National Board (DANB)” means the national certification and credentialing agency for dental assistants that will examine and certify qualified individuals as orthodontic expanded function dental assistants and general duties expanded function dental assistants.

(6) *“Direct supervision” means that the supervising dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure, and, before dismissal of the patient, personally evaluates the performance of the dental assistant.*

(7) *“General duties EFDA” means an individual who is certified by the Board to perform the intraoral procedures of a general duties expanded function dental assistant as set forth in this chapter.*

(8) *“General supervision” means the supervision of a dental assistant by a dentist where the dentist may or may not be present when the dental assistant performs the dental assisting procedures.*

(9) *“Level one dental assistant” means a dental assistant who may perform the duties of a level one dental assistant as provided in this chapter without being certified by the Board.*

(10) *“Orthodontic EFDA” means an individual who is certified by the Board to perform the intraoral procedures of an orthodontic expanded function dental assistant as set forth in this chapter.*

.02 Classification of Dental Assistant Qualified in Orthodontics No Longer Recognized by the Dental Board.

A. The Dental Board no longer recognizes the classification “dental assistant recognized as qualified in orthodontics”.

B. A dental assistant previously recognized by the Dental Board as a “dental assistant recognized as qualified in orthodontics” shall obtain certification from the Dental Board as an orthodontic EFDA before the dental assistant may perform any of the duties of an orthodontic EFDA as set forth in Regulation .32 of this chapter.

.03 Classification of Dental Assistant Recognized as Qualified in General Duties No Longer Recognized by the Dental Board.

A. The Dental Board no longer recognizes the classification “dental assistant recognized as qualified in general duties”.

B. A dental assistant previously recognized by the Dental Board as a “dental assistant recognized as qualified in general duties” may, under the direct supervision of a licensed dentist, perform the duties of a level one dental assistant as set forth in Regulation .31 of this chapter without obtaining certification from the Board.

.04 Dental Assisting National Board.

The Dental Assisting National Board shall:

A. Make applicants aware of the time and place of expanded function dental assisting examinations;

B. In consultation with the Board, determine the subjects, scope, form, and passing score for expanded function dental assisting examinations; and

C. Determine the grading method.

.05 Vacant.

.06 Qualifications for Orthodontic Expanded Function Dental Assistants.

A. To qualify for a Dental Board certification to be an orthodontic EFDA, an applicant shall:

(1) Be of good moral character;

(2) Be at least 18 years old;

(3) Be a high school graduate or have attained a high school equivalency;

(4) Submit to a State criminal history records check; and

(5) Have successfully completed a Board-approved course of at least 35 hours related to Maryland orthodontic expanded function dental assisting, of which at least 10 hours shall include hands-on clinical training.

B. The course identified in §A(5) of this regulation shall adequately prepare the student to competently and safely perform each of the orthodontic procedures that an orthodontic EFDA may perform under Regulation .32 of this chapter.

C. The course of study required under §A(5) of this regulation shall be part of a:

(1) U.S. Department of Labor Jobs Corps Dental Assisting Program;

(2) Dental assisting program located within an institution of postsecondary education that is accredited by an accrediting institution recognized by the U.S. Department of Education;

(3) Dental assisting program that is located within a high school and is recognized by an accrediting body recognized by the U.S. Department of Education accrediting body of a state; or

(4) Dental assisting program that is accredited by the Council on Dental Accreditation, or a successor organization.

D. In addition to the requirements of this regulation, the applicant shall:

(1) Have the appropriate orthodontic expanded function dental assistant certification from the Dental Assisting National Board; and

(2) Submit proof of having passed the Maryland Jurisprudence Examination on Dental Assisting with a score of at least 75 or greater in each required section.

E. An orthodontic EFDA shall maintain cardiopulmonary resuscitation from one of the following programs:

(1) The American Heart Association's Basic Life Support for Healthcare Providers;

(2) The American Red Cross's Cardiopulmonary Resuscitation for Professional Rescuers; or

(3) An equivalent program approved by the Board.

F. An applicant shall apply to the Central Repository for a State criminal history records check.

G. An individual shall submit to the Central Repository:

(1) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation; and

(2) The fee authorized under Criminal Procedure Article, §10-221(b)(7), Annotated Code of Maryland, for access to State criminal history records.

H. In accordance with Criminal Procedure Article, §§10–201—10–229, Annotated Code of Maryland, the Central Repository shall forward to the Board and to the individual the criminal history record information of the individual.

I. If criminal history record information is reported to the Central Repository after the date of the initial criminal history records check, the Central Repository shall provide to the Board and the individual a revised printed statement of the individual's State criminal history record.

J. Information obtained from the Central Repository under this section:

(1) Is confidential;

(2) May not be disseminated; and

(3) May be used only for the licensing purpose authorized by this title.

K. The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in Criminal Procedure Article, §10–223, Annotated Code of Maryland.

L. Subject to the notice and hearing provisions set forth in Health Occupations Article, §4-318, Annotated Code of Maryland, the Board may deny certification under this chapter if the applicant has been convicted of or has plead guilty or nolo contendere to a felony or to a crime

involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

.07 Application for Dental Board Certification for Orthodontic Expanded Function Dental Assistants.

A. To apply to obtain a Dental Board certification as an orthodontic EFDA, an applicant shall:

(1) Submit to the Dental Board an application on a form provided by the Board;

(2) Submit a recent photograph of the applicant not to exceed 3 inches by 3 inches accompanied by a notarized statement attesting to the photograph's authenticity;

(3) Pay the application fee set by the Board in COMAR 10.44.20;

(4) Provide evidence satisfactory to the Board that the applicant meets the qualifications for Dental Board certification as an orthodontic EFDA as set forth in Regulation .06 of this chapter;

and

(5) Provide any other pertinent documents or information requested by the Board.

B. The applicant shall include with the application proof of completion of a 35-hour Board-approved course of instruction in orthodontic expanded function dental assisting in the form of a letter from one of the institutions referenced in Regulation .06 indicating that the applicant has successfully completed the course.

C. The letter referenced in §B of this regulation shall:

(1) Be on the letterhead of one of the institutions referenced in Regulation .06 of this chapter;

(2) Contain a raised embossed school seal or institution seal; and

(3) Contain the original signature of either:

(a) The dean or principal of the school or program; or

(b) The head of the department.

D. The Board may issue a Dental Board certification as an orthodontic EFDA after the Board's review of:

(1) The applicant's application;

(2) The applicant's qualifications;

(3) The applicant's criminal history check; and

(4) Any other pertinent documents or information that may affect the applicant's ability to safely provide dental assistant duties.

.08 Dental Assistants Recognized as Qualified in Orthodontics Prior to the Effective Date of this Chapter.

A. Except as otherwise provided in this regulation, in order to perform the intraoral procedures of an orthodontic EFDA, a dental assistant recognized by the Dental Board as qualified in orthodontics prior to the effective date of this chapter shall:

(1) Apply to the Dental Board for certification to become an orthodontic EFDA;

(2) Submit a recent photograph of the applicant not to exceed 3 inches by 3 inches accompanied by a notarized statement attesting to the photograph's authenticity;

(3) Pay the appropriate fee; and

(4) Meet all of the qualifications to become an orthodontic EFDA set forth in Regulation .06 of this chapter.

B. A dental assistant recognized by the Dental Board as qualified in orthodontics prior to the effective date of this chapter is not required to take the Board-approved course or take the DANB orthodontic EFDA examination.

C. After initial orthodontic EFDA certification, a dental assistant recognized by the Board as qualified in orthodontics prior to the effective date of this chapter who becomes an orthodontic

EFDA shall meet all of the requirements for renewal of their orthodontic EFDA certification as set forth in Regulation .14 of this chapter.

D. Grace Period.

(1) A dental assistant recognized by the Dental Board as qualified in orthodontics prior to the effective date of this chapter may lawfully perform the duties of an orthodontic EFDA for 6 months after the effective date of this chapter.

(2) A dental assistant recognized by the Dental Board as qualified in orthodontics prior to the effective date of this chapter who has not become an orthodontic EFDA within 6 months of the effective date of this chapter may not perform the duties of either a dental assistant recognized as qualified in orthodontics or an orthodontic EFDA.

.09 Vacant.

.10 Qualifications for General Duties Expanded Function Dental Assistants.

A. To qualify for a Dental Board certification to be a general duties EFDA, an applicant shall:

(1) Be of good moral character;

(2) Be at least 18 years old;

(3) Be a high school graduate or have attained a high school equivalency;

(4) Submit to a State criminal history records check; and

(5) Have successfully completed a Board-approved course of at least 60 hours related to Maryland general duties expanded function dental assisting, which shall include at least 15 hours of hands-on clinical training apart from the hands-on clinical training required by § B(2) of this regulation.

B. The 60-hour Board-approved course identified in §A(5) of this regulation shall consist of at least 6 hours of instruction on nitrous oxide monitoring and shall include but not be limited to the following:

(1) 4 hours of didactic training, including at least the following subjects:

(a) The history, philosophy, and psychology of nitrous oxide minimal sedation;

(b) The definition and descriptions of the physiological and psychological aspects of pain and anxiety;

(c) Concepts and management of pain and anxiety;

(d) Indications and contraindications for nitrous oxide sedation;

(e) Anatomy and physiology of pediatric and adult respiration;

(f) Medical assessment of a patient before nitrous oxide administration by a dentist or a dental hygienist;

(g) Moderate sedation, deep sedation, and general anesthesia versus nitrous oxide;

(h) Pharmacological and physiological effects of nitrous oxide, including drug interactions;

(i) A description of the stages of drug induced central nervous system depression through all levels of consciousness and unconsciousness with emphasis on the distinction between the conscious and unconscious state;

(j) Monitoring of a patient to whom nitrous oxide has been administered, including the monitoring of a patient's vital functions;

(k) Recognition and management of complications and medical emergencies;

(l) Occupational exposure;

(m) Preventing, recognizing, and managing possible complications of inhalation sedation; and

(2) 2 hours of hands-on clinical training, including the direct observation of the performance of procedures.

C. The course identified in §A(5) of this regulation shall adequately prepare the student to competently and safely perform each of the intraoral procedures that a general duties EFDA may perform under Regulation .33 of this chapter.

D. The course of study required in §A(5) of this regulation shall be part of:

(1) A U.S. Department of Labor Jobs Corps Dental Assisting Program;

(2) A dental assisting program located within an institution of postsecondary education that is accredited by an accrediting institution recognized by the U.S. Department of Education;

(3) A dental assisting program that is located within a high school and is recognized by an accrediting body recognized by the U.S. Department of Education accrediting body of a state; or

(4) A dental assisting program that is accredited by the Council on Dental Accreditation, or a successor organization.

E. In addition to the requirements of this regulation, the applicant shall:

(1) Have the appropriate general duties EFDA certification from the Dental Assisting National Board;

(2) Submit proof of having passed the Maryland Jurisprudence Examination on Dental Assisting with a score of 75 or greater in each required section; and

(3) Maintain cardiopulmonary resuscitation certification from one of the following programs:

(a) The American Heart Association's Basic Life Support for Healthcare Providers;

(b) The American Red Cross's Cardiopulmonary Resuscitation for Professional Rescuers; or

(c) An equivalent program approved by the Board.

F. An applicant shall apply to the Central Repository for a State criminal history records check.

G. An individual shall submit to the Central Repository:

(1) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation; and

(2) The fee authorized under Criminal Procedure Article, §10-221(b)(7), Annotated Code of Maryland, for access to State criminal history records.

H. In accordance with Criminal Procedure Article, §§10–201—10–229, Annotated Code of Maryland, the Central Repository shall forward to the Board and to the individual the criminal history record information of the individual.

I. If criminal history record information is reported to the Central Repository after the date of the initial criminal history records check, the Central Repository shall provide to the Board and the individual a revised printed statement of the individual's State criminal history record.

J. Information obtained from the Central Repository under this section:

(1) Is confidential;

(2) May not be disseminated; and

(3) May be used only for the licensing purpose authorized by this title.

K. The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in Criminal Procedure Article, §10–223, Annotated Code of Maryland.

L. Subject to the notice and hearing provisions set forth in Health Occupations Article, §4-318, Annotated Code of Maryland, the Board may deny certification under this chapter if the applicant has been convicted of or has plead guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

.11 Application for Dental Board Certification for General Duties Expanded Function Dental Assistants.

A. To apply to obtain a Dental Board certification as a general duties EFDA, an applicant shall:

- (1) Submit to the Dental Board an application on a form provided by the Board;*
- (2) Submit a recent photograph of the applicant not to exceed 3 inches by 3 inches accompanied by a notarized statement attesting to the photograph's authenticity.*
- (3) Pay the application fee set by the Board in COMAR 10.44.20;*
- (4) Provide evidence satisfactory to the Board that the applicant meets the qualifications for Dental Board certification as a general duties EFDA as set forth in Regulation .10 of this chapter; and*
- (5) Provide any other pertinent documents or information requested by the Board.*

B. The applicant shall include with the application proof of completion of a 60-hour Board-approved course of instruction in general duties expanded function dental assisting in the form of a letter from one of the institutions referenced in Regulation .10 indicating that the applicant has successfully completed the course.

C. The letter referenced in §B of this regulation shall:

- (1) Be on the letterhead of one of the institutions referenced in Regulation .10 of this chapter;*
- (2) Contain a raised embossed school seal or institution seal; and*
- (3) Contain the original signature of either:*
 - (a) The dean or principal of the school or program; or*
 - (b) The head of the department.*

D. The Board may issue a Dental Board certification as a general duties EFDA after the Board's review of:

- (1) The applicant's application;*
- (2) The applicant's qualifications;*
- (3) The applicant's criminal history check; and*
- (4) Any other pertinent documents or information that may affect the applicant's ability to safely provide dental assistant duties.*

.12 Vacant.

.13 Dental Board Issuance of Orthodontic Expanded Function Dental Assistant and General Duties Expanded Function Dental Assistant Certificates.

A. The Board shall issue an appropriate certificate to an applicant who meets the requirements of Health Occupations Article, Title 4, Annotated Code of Maryland, this chapter, and any other applicable laws or regulations.

B. The Board shall include on each certificate that the Board issues:

- (1) The designation of the certificate as either orthodontic expanded function or general duties expanded function;*
- (2) The name of the certified individual;*
- (3) The date the certificate was issued;*
- (4) A serial number or certificate number;*
- (5) The signatures of the President and Secretary of the Board which may be electronic; and*
- (6) The seal of the Board.*

.14 Term and Renewal of EFDA Certificates — Generally.

A. A certification as an orthodontic EFDA or a general duties EFDA shall expire on October 31 of the second year following the effective date of the certificate unless it is renewed for an additional 2-year term as provided in this regulation.

B. At least 1 month before a certificate expires, the Board shall send to the expanded function dental assistant, by electronic means to the last known electronic address of the dental assistant, a renewal notice that states:

- (1) The date on which the current certificate expires;*
- (2) The date by which the application shall be received by the Board for the renewal to be issued and forwarded before the certificate expires; and*
- (3) The amount of the renewal fee set by the Board in COMAR 10.44.20.*

C. Before a certification as an orthodontic EFDA or a general duties EFDA expires, the individual so certified may renew the certification for an additional 2 years if the individual:

- (1) Applies for renewal of the certification on a form provided by the Board;*
- (2) Pays to the Board a renewal fee set by the Board in COMAR 10.44.20; and*
- (3) Successfully completes the required continuing education requirements set forth in Regulation .25 of this chapter.*

D. An individual who uses continuing education credits to renew their certificate after the expiration date of their certificate may not use the same continuing education credits for the renewal period preceding the renewal period in which the continuing education credits were used.

.15 Renewal of Expired Certificates Held for 30 Days or Less.

After the expiration date of a certificate to practice expanded function dental assisting in the State, the certificate holder may renew the certificate within 30 days of its expiration if the certificate holder:

- A. Is otherwise entitled to be issued a certificate;*
- B. Submits to the Board a completed renewal application on a form provided by the Board; and*

C. Pays the Board the renewal fee and late fee set forth in COMAR 10.44.20.

.16 Reinstatement of Expired Certificates.

An individual holding an expired orthodontic EFDA certificate or an individual holding an expired general duties EFDA certificate may apply for reinstatement if the individual:

A. Has held an expired orthodontic EFDA certificate or an expired general duties EFDA certificate for more than 30 days and less than 3 years;

B. Is otherwise entitled to be reinstated;

C. Completes the appropriate reinstatement application;

D. Provides proof of completion of 15 hours of dental assisting continuing education from Board-approved courses of which 3 hours shall be in infection control; and

E. Pays to the Board a certification reinstatement fee set by the Board in COMAR 10.44.20.

.17 Certificates Expired for 3 or More Years.

A. An individual holding an expired orthodontic EFDA certificate or an expired general duties EFDA certificate which has been expired for 3 years or more may not apply for reinstatement.

B. An individual holding an expired orthodontic EFDA certificate or an expired general duties EFDA certificate which has been expired for 3 years or more shall meet the qualifications for initial certification set forth in either Regulation .06 of this chapter for orthodontic expanded function dental assistants, or Regulation .10 of this chapter for general duties expanded function dental assistants.

.18 Expanded Function Dental Assistant Practicing After Certificate Has Expired.

A supervising dentist who allows an expanded function dental assistant to practice expanded function dental assisting duties after their certificate has expired may be found guilty of

unprofessional conduct under Health Occupations Article, §4-315(a)(16), Annotated Code of Maryland.

.19 Vacant.

.20 Lost or Destroyed Certificates.

The Board shall issue a certificate to replace a lost or destroyed certificate if the expanded function dental assistant pays a fee set by the Board in COMAR 10.44.20 that approximates the actual cost of replacing the certificate.

.21 Display.

A. Regulations. The supervising dentist in charge of a dental office where an orthodontic EFDA or a general duties EFDA performs intraoral procedures shall display a copy of these regulations and the list of Board-approved dental assistant duties in a conspicuous place in the office for the information of office personnel.

B. Certificates. The supervising dentist in charge of a dental office where one or more orthodontic expanded function dental assistants or one or more general duties expanded function dental assistants perform intraoral duties shall display the certificates and any current renewal certificates conspicuously in the office where the holders are engaged in practice.

.22 Retention of Certification and Qualification Documents.

A. An orthodontic EFDA and a general duties EFDA shall keep their original Dental Board certification and their original current renewal document in the office where the dental assistant is employed for the greatest number of hours.

B. An orthodontic EFDA and a general duties EFDA who work in more than one dental office shall keep a copy of their original Dental Board certification and a copy of their current renewal document in all other offices in which the dental assistant is employed.

.23 Simultaneous Certification.

A dental assistant may be simultaneously certified as an orthodontic EFDA, a general duties EFDA, or a dental radiation technologist, or any combination thereof.

.24 Vacant.

.25 Continuing Education.

A. In addition to the requirements set forth in Regulation .14 of this chapter, an orthodontic EFDA or a general duties EFDA seeking certification renewal shall complete:

(1) Not less than 15 hours of Board-approved continuing education specifically designed to enhance their clinical knowledge and ability to perform their duties; and

(2) A 3-hour Board-approved course on infection control which shall count toward the required 15 hours of continuing education.

B. A clock hour constitutes 1 hour of continuing education.

C. Certificate holders shall have a 2-year period to complete the required continuing education.

D. The 2-year period in which the continuing education shall be completed is the 2-year period preceding the expiration date of the immediately preceding certificate.

.26 Continuing Education Certificates of Completion.

A. A Board-approved continuing education sponsor shall, at a minimum, issue a hard copy of a Continuing Education Certificate of Completion to an expanded function dental assistant who successfully completes a Board-approved continuing education course.

B. The Certificate of Completion set forth in §A of this regulation shall contain at least the following:

(1) The exact name of the course sponsor as approved by the Dental Board;

(2) The full business address of the course sponsor;

- (3) The exact name of the course as approved by the Dental Board;*
- (4) An indication whether the course was taught in person or electronically;*
- (5) The full name of the student recipient;*
- (6) The number of credit hours obtained;*
- (7) The name of the course instructors;*
- (8) The signature of the course instructors which may be electronic; and*
- (9) The Dental Board's course approval number.*

.27 Requirements for Instructors of Orthodontic Expanded Function Dental Assistant and General Duties Expanded Function Dental Assistant Courses.

A. Any instructor of either an orthodontic EFDA course or a general duties EFDA course shall:

- (1) Be qualified by education and experience to provide instruction in the subject matter; and*
- (2) Provide instruction in a competent manner.*

B. Encumbered license.

- (1) To the extent that an instructor is a licensed dentist or a licensed dental hygienist, the instructor may not have an encumbered license in any state.*
- (2) For the purposes of the regulation, an encumbered license does not include a reprimand issued more than 5 years prior to the date of instructing a Board-approved course.*

.28 Assessment of Board-Approved Courses.

A. At least once every calendar year, each Board-approved orthodontic EFDA course and each Board-approved general duties EFDA course shall be assessed by a Maryland licensed dentist other than the dentist who is the instructor.

B. The results of the assessment shall be entered on a form provided by the Board and maintained by the dentist performing the assessment and the entity presenting the course.

C. If an assessment indicates that there are course deficiencies, the deficiencies shall be corrected immediately and the Board advised of the deficiencies and the corrective measures in writing along with a copy of the assessment within 5 working days.

D. All assessments shall be maintained by the dentist conducting the assessment and the entity presenting the course for at least 5 years and be made available to the Board upon written request within 5 working days of the request.

.29 Rescission of Dental Board-Approved Course Approval.

A. The Board may rescind approval of a previously approved orthodontic EFDA course or a general duties EFDA course if the Board determines that the course:

(1) Does not meet the requirements of this chapter;

(2) Does not meet its stated objectives; or

(3) The sponsor has committed fraud or made other misrepresentations to the Board.

B. On its own initiative or on a written complaint filed with the Board by any person, the Board may conduct an investigation of the:

(1) Sponsor of the orthodontic EFDA course or the general duties EFDA course;

(2) Course site; or

(3) Instructors of the course.

.30 Vacant.

.31 Level One Dental Assistants.

A. A Level one dental assistant shall be at least 18 years old.

B. Except as otherwise provided, a dentist may use the services of a level one dental assistant to perform the following intraoral procedures under the direct supervision of a licensed dentist without first receiving certification from the Board:

- (1) Rinsing and aspiration of the oral cavity;*
- (2) Retraction of the lips, cheeks, tongue, and flaps;*
- (3) Placement and removal of the materials for the isolation of the dentition, provided that the material is not retained by the dentition;*
- (4) Instructing on oral hygiene;*
- (5) Taking alginate or digital impressions for study models or diagnostic casts;*
- (6) Constructing athletic mouthguards on models;*
- (7) Applying topical anesthetic;*
- (8) Light curing;*
- (9) Checking for loose bands;*
- (10) Assisting in performing intraoral photography, other than conventional or digital X-ray, under the general supervision of a licensed dentist who reviews the photography and authorizes the treatment plan;*
- (11) Placing and removing cotton rolls;*
- (12) Delivery of restorative material with dentist at chairside;*
- (13) Fluoride application — rinse or foam tray or fluoride varnish;*
- (14) Taking and recording vital signs, including blood pressure and pulse readings;*
- (15) Performing vitality tests;*
- (16) Taking alginate impressions for intraoral appliances;*
- (17) Taking digital and electronic impressions;*
- (18) Applying desensitizing agents;*
- (19) Placing or removing a rubber dam;*
- (20) Fabricating indirect restorations in a dental office;*

- (21) Placing or removing a matrix band;*
- (22) Drying a root canal;*
- (23) Preparing and fitting stainless steel crowns;*
- (24) Placing or removing a retraction cord;*
- (25) Fabricating temporary crowns;*
- (26) Cementing temporary crowns or restorations;*
- (27) Removing temporary crowns;*
- (28) Removing excess cement;*
- (29) Removing or replacing a periodontal dressing (except placing the original periodontal dressing);*
- (30) Removing sutures;*
- (31) Fabricating on models:*
 - (a) Athletic mouthguards;*
 - (b) Bleaching trays;*
 - (c) Fluoride trays;*
 - (d) Impression trays; and*
 - (e) Nightguards;*
- (32) Bite registration;*
- (33) Placing temporary restorations; and*
- (34) Placing and removing wedges.*

C. A level one dental assistant may perform duties under this regulation if a licensed dentist:

- (1) Provides the level one dental assistant with specific instructions to perform the intraoral procedure; and*

(2) Except as otherwise provided, directly supervises the level one dental assistant performing the intraoral procedure.

D. A dentist who supervises a level one dental assistant shall ensure that the level one dental assistant is properly trained in:

(1) Infection control; and

(2) Cardiopulmonary resuscitation.

.32 Procedures Permitted to be Performed by Orthodontic Expanded Function Dental Assistants.

A. Except for an individual licensed as a dentist or a dental hygienist under Health Occupations Article, Title 4, Annotated Code of Maryland, an individual shall be expressly certified by the State Board of Dental Examiners as an orthodontic EFDA before the individual may perform any of the following intraoral procedures:

(1) Preparing and fitting orthodontic bands;

(2) Placing and removing arch wires;

(3) Cementing of orthodontic bands, placement of bonded attachments, or removal of cemented or bonded orthodontic bands and attachments;

(4) Placing elastics and ligatures; and

(5) Selecting headgear.

B. In addition to the intraoral procedures listed in §A of this regulation, an orthodontic EFDA may perform the following intraoral procedures:

(1) Acid etching; and

(2) Apply bonding agents.

C. In addition to the intraoral procedures set forth in §§A and B of this regulation, an orthodontic EFDA may perform the intraoral procedures of a level one dental assistant set forth in Regulation .31 of this chapter.

D. An orthodontic EFDA may perform the intraoral procedures set forth in Regulation .31 of this chapter if a licensed dentist:

(1) Provides the orthodontic EFDA with specific instructions to perform the intraoral procedure; and

(2) Directly supervises the orthodontic EFDA performing the intraoral procedure.

.33 Procedures Permitted to be Performed by General Duties Expanded Function Dental Assistants.

A. Except for an individual licensed as a dentist or a dental hygienist under Health Occupations Article, Title 4, Annotated Code of Maryland, an individual shall be expressly certified by the State Board of Dental Examiners as a general duties EFDA before the individual may perform any of the following intraoral procedures:

(1) Placing dental sealants;

(2) Coronal polishing only to remove stain or biofilm, in connection with a dental prophylaxis:

(a) As determined necessary and appropriate, secondary to the more complex dental procedures of a dental prophylaxis, such as removal of hard and soft deposits and stain of the tooth crown, root surfaces, and periodontal pockets; and

(b) If applicable, in consultation with the treating dental hygienist or before a dentist performs an esthetic or cementation procedure;

(3) Applying silver diamine fluoride;

(4) Monitoring nitrous oxide by observing a patient;

- (a) During the flow of nitrous oxide;*
- (b) During the reduction of the flow of nitrous oxide;*
- (c) During the shutting off of equipment controlling the flow of nitrous oxide; and*
- (d) At all times in between the start of the flow of nitrous oxide until the nitrous oxide has been terminated and the patient has fully awoken and is coherent;*
- (5) Acid etching; and*
- (6) Applying bonding agents.*

B. In addition to the intraoral procedures set forth in §A of this regulation, a general duties EFDA may perform the intraoral procedures of level one dental assistant set forth in Regulation .31 of this chapter.

C. A general duties expanded function dental assistant may perform the intraoral procedures set forth in Regulation .31 of this chapter if a licensed dentist:

- (1) Provides the general duties EFDA specific instructions to perform the intraoral procedure;*
and
- (2) Directly supervises the general duties EFDA performing the intraoral procedure.*

.34 Monitoring Nitrous Oxide – Standards of Practice for General Duties Expanded Function Dental Assistants.

A. A general duties EFDA who monitors a patient to whom nitrous oxide has been administered may not:

- (1) Increase the nitrous oxide levels;*
- (2) Monitor more than one patient at a time;*
- (3) Treat any other patient during the course of the monitoring; or*
- (4) Leave the operatory during the monitoring except in emergency circumstances.*

B. A dentist who orders a general duties EFDA to monitor a patient to whom nitrous oxide has been administered shall:

- (1) Have a written emergency plan;*
- (2) Remain in the dental office and in close proximity to be summoned in the event of an emergency; and*
- (3) Discharge the patient.*

.35 Radiographs.

A dentist may not permit a dental assistant to place and expose radiographs unless the dental assistant is a dental assistant certified to practice dental radiation technology.

.36 Dental Sealant Program Exception — General Supervision.

A. This regulation applies only to the dental assistant dental sealant program described below.

B. Notwithstanding any other provision of this chapter, a level one dental assistant may provide the following dental assisting duties under the general supervision of a dentist for a dental sealant program:

- (1) Instructing on oral hygiene;*
- (2) Cleaning and disinfecting environmental surfaces and equipment;*
- (3) Preparing materials for the application of sealants;*
- (4) Retracting lips, cheek, and tongue;*
- (5) Placing and removing materials for the isolation of the dentition, if the material is not retained by the dentition;*
- (6) Transferring instruments and sealants to a dentist or dental hygienist;*
- (7) Rinsing and aspirating of the oral cavity; and*
- (8) Sterilizing instruments.*

C. Under the general supervision of a dentist, a level one dental assistant may only perform the duties enumerated in §B of this regulation:

(1) For a facility that has been granted a waiver of on-site supervision for a dental hygienist under COMAR 10.44.21; and

(2) While assisting a dental hygienist who has received a waiver of on-site supervision under COMAR 10.44.21.

D. A dental assistant performing dental assistant duties under this regulation may not place dental sealants.

E. A level one dental assistant who provides dental assistant duties under this regulation shall maintain cardiopulmonary resuscitation certification from one of the following programs:

(1) The American Heart Association's Basic Life Support for Healthcare Providers;

(2) The American Red Cross's Cardiopulmonary Resuscitation for Professional Rescuers; or

(3) An equivalent program approved by the Board.

F. A level one dental assistant who provides dental assistant duties under this regulation shall have at least 400 hours of dental assisting clinical practice in direct patient care.

G. An orthodontic expanded function dental assistant who provides dental assistant duties under this regulation shall successfully complete a Board-approved course of at least 3 hours in infection control every renewal cycle.

H. A level one dental assistant who provides dental assistant duties under this regulation shall successfully complete a Board-approved course with at least 3 hours in infection control before providing dental assistant duties under this regulation, and within every 2 calendar years thereafter.

I. A facility that uses a level one dental assistant to provide dental assistant duties under this regulation shall ensure that there is a written agreement between the supervising dentist and the dental assistant practicing under general supervision that clearly sets forth the terms and conditions under which the dental assistant may practice, including a statement that the dental assistant may provide dental assistant duties without the supervising dentist on the premises.

J. Each facility that uses the services of a level one dental assistant to provide dental assistant duties under this regulation shall maintain for 5 years for inspection by the Board:

(1) The name of the dentist providing general supervision to the dental assistant;

(2) The name and current address of the dental assistant;

(3) The name and address of each institution where the dental assistant provided dental assistant duties; and

(4) The date the dental assistant provided dental assistant duties.

K. This regulation does not affect the duties a level one dental assistant may lawfully perform under the direct supervision of a dentist under this chapter.

L. A violation of this regulation may result in:

(1) Revocation of the facility's right to operate under a waiver of on-site supervision for dental hygienists; or

(2) Revocation of the facility's right to utilize the services of a dental assistant under this regulation.

M. Penalties.

(1) For violations of this regulation, a dentist and a dental hygienist is subject to the penalties set forth in Regulation .38 of this chapter.

(2) A dentist or a dental hygienist who uses the services of a dental assistant who is not qualified or for purposes other than what are permitted under this regulation may be found guilty of:

(a) Unprofessional conduct under Health Occupations Article, §4-315, Annotated Code of Maryland; or

(b) Violating any rule or regulation adopted by the Board under Health Occupations Article, §4-315, Annotated Code of Maryland.

.37 Vacant.

.38 Violations.

A dentist who uses the services of a dental assistant who is not qualified or for purposes other than what is permitted may be found guilty of:

A. Unprofessional conduct under Health Occupations Article, §4-315(a)(16), Annotated Code of Maryland;

B. Violating any rule or regulation adopted by the Board under Health Occupations Article, §4-315(a)(20), Annotated Code of Maryland;

C. Allowing a dental assistant to assist in the practice of dentistry in violation of Health Occupations Article, §4-315(a)(38), Annotated Code of Maryland;

D. Violating COMAR 10.44.23; or

E. Violating any other applicable law or regulation.

.39 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.