

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

Authority: Health Occupations Article, §4-205, 4-206.1, 4-206.2 4-206.3, 4-206.4, and 12-101, Annotated Code of Maryland

10.44.04.00. Chapter 04 Practice of Dental Hygiene

10.44.04.01. 01 Scope.

This chapter governs the practice of dental hygiene by all licensed dental hygienists in the State..

10.44.04.02. 02 Definitions.

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

B. Terms Defined.

(1) Administer medication means the direct introduction of a single dosage of a medication by a dental hygienist while the patient is physically on the premises where the treatment is rendered.

(2) Administer nitrous oxide means the initiation, adjustment, monitoring, and termination of the flow of nitrous oxide.

(3) Board means the Maryland State Board of Dental Examiners.

(4) CDC means the Commission on Dental Competency Assessments or its successor organization.

(5) Dental hygienist means a registered dental hygienist who holds an active license to practice dental hygiene in Maryland.

(6) Dentist" means a dentist who holds an active license to practice dentistry in Maryland.

(7) Dispense medication means a dental hygienist disbursing a single dosage or multiple dosages of a medication to a patient or an agent of the patient for introduction at a time subsequent to the rendered treatment.

(8) Monitor means the observation of the patient:

(a) During the flow of nitrous oxide;

(b) During the reduction of the flow of nitrous oxide;

(c) During the shutting off of the equipment controlling the flow of nitrous oxide; and

(d) At all times in between the start of the flow of nitrous oxide until after nitrous oxide has been terminated and the patient has fully awoken and is coherent.

(9) ☐Nitrous oxide☐ means a chemical compound with the formula N₂O.

10.44.04.03. 03 Intraoral Functions.

A. The following intraoral functions may be performed in the practice of dental hygiene:

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

- (1) Preliminary dental examination;
- (2) Dental prophylaxis, which includes:
 - (a) Scaling and root planing; or
 - (b) Polishing a tooth or a restoration;
- (3) Placing and removing perio dressings, including an initial dressing;
- (4) Placing sealants;
- (5) Taking impressions for study models, custom fluoride trays, or athletic mouth guards;
- (6) Exposing a dental x-ray;
- (7) Performing a brush biopsy;
- (8) Placing subgingival medicaments;
- (9) Cementing temporary crowns or restorations; and
- (10) Performing any duty that a dental assistant, or a dental assistant who is listed on the roster of dental assistants recognized as qualified in orthodontics or general duties, may perform.

B. A dental hygienist may administer local anesthesia by infiltration and local anesthesia by inferior alveolar nerve block only after Board recognition as provided in this chapter.

C. A dental hygienist may perform manual curettage in conjunction with scaling and root planning only after meeting the requirements of Regulation .12 of this chapter.

D. A dental hygienist may administer nitrous oxide only after Board recognition as provided in this chapter.

10.44.04.04. 04 Exceptions.

The following intraoral functions may not be performed in the practice of dental hygiene:

- A. Diagnosis;
- B. Extraction;
- C. Cavity repair;
- D. Tooth placement correction;
- E. Surgical procedures;
- F. Anesthesia procedures other than:
 - (1) Administering topical anesthesia; or

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

(2) Administering local anesthesia by infiltration or local anesthesia by inferior alveolar nerve block in accordance with:

(a) Health Occupations Article, §§4-206.1 and 4.206.3, Annotated Code of Maryland; and

(b) The requirements of Regulation .06 of this chapter; and

(3) Administering nitrous oxide in accordance with:

(a) Health Occupations Article, §4-206.2, Annotated Code of Maryland; and

(b) The requirements of Regulation .17 of this chapter;

G. Prescribing or administering medication other than:

(1) Prescribing and administering medication in accordance with Health Occupations Article, §§4-205 and 4-206.4, Annotated Code of Maryland; and

(2) The requirements of Regulation .27 of this chapter;

H. Condensing, carving, or finishing any restoration; and

I. Cementing permanent crowns or restorations.

10.44.04.05. 05 Additional Functions for Dental Hygienists Who Obtain Board Recognition.

In addition to those functions described in Regulation .03A of this chapter, a dental hygienist who is recognized by the Board as qualified may:

A. Administer local anesthesia by infiltration;

B. Administer local anesthesia by inferior alveolar nerve block;

C. Administer nitrous oxide; and

D. Prescribe and administer medication.

10.44.04.06. 06 Local Anesthesia.

A. A dental hygienist who is recognized by the Board to administer local anesthesia may do so provided that the administration of local anesthesia is:

(1) By infiltration or by inferior alveolar nerve block to facilitate the practice of dental hygiene by a dental hygienist or the practice of dentistry by a dentist;

(2) Not performed as a medical specialty; and

(3) Under the supervision of a dentist who:

(a) Is physically on the premises; and

(b) Prescribes the administration of local anesthesia by the dental hygienist.

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

B. A dental hygienist may administer local anesthesia only as provided in this regulation.

C. A dental hygienist may not administer local anesthesia unless recognized by the Board as being qualified to do so as provided in this chapter.

D. Classification of Board Recognition. The Board shall recognize the classification of recognized to administer local anesthesia.

10.44.04.07. 07 Manual Curettage.

A. A dental hygienist who successfully completes a Board-approved course in manual curettage in conjunction with scaling and root planing as outlined in Regulation .11 of this chapter may perform manual curettage in conjunction with scaling and root planing without applying for or receiving recognition from the Board.

B. A dental hygienist who successfully completes the Board-approved course in manual curettage in conjunction with scaling and root planing as outlined in Regulation .12 of this chapter shall:

(1) Maintain proof of successful completion of the course; and

(2) Provide documentation of successful completion of the course to the Board upon the Board's request.

10.44.04.08 Qualification for Board Recognition to Administer Local.

A. A dental hygienist who wishes to receive recognition by the Board as being qualified to administer local anesthesia by infiltration and local anesthesia by inferior alveolar nerve block shall:

(1) Hold an active license to practice dental hygiene in this State; and

(2) Successfully complete a Board-approved course of instruction as outlined in Regulation .09 of this chapter that documents training of at least 28 hours consisting of at least:

(a) 20 hours of didactic training in administering local anesthesia; and

(b) 8 hours of clinical training in administering local anesthesia.

B. A dental hygienist shall pass a written and clinical examination administered by the Board-approved course with an overall passing grade of at least 75 percent in both the written examination portion and the clinical examination portion.

C. The Board-approved course of instruction in administering local anesthesia may be obtained by:

(1) A dental hygienist while an undergraduate student in a Board-approved school for dental hygiene that is accredited by the American Dental Association Committee on Dental Accreditation or its successor organization; or

(2) A dental hygienist who completes the course offered by an accredited dental hygiene program.

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

D. In addition to the requirements of this regulation, a dental hygienist who wishes to receive recognition by the Board as being qualified to administer local anesthesia shall pass the CDCA Local Anesthesia Examination for Dental Hygienists.

10.44.04.09 Board-Approved Course of Instruction for Local Anesthesia.

The 28-hour Board-approved local anesthesia course of instruction outlined in Regulation .08A and B of this chapter shall include but not be limited to the following:

A. 20 hours of didactic training, including at least the following:

- (1) The psychology of pain management;
- (2) A review of anatomy, physiology, and pharmacology of anesthetic agents;
- (3) Emergency precautions and management;
- (4) Patient management; and
- (5) Instruction on the safe and effective administration of local anesthesia; and

B. 8 hours of clinical training, including the direct observation of the performance of procedures.

10.44.04.10. 10 Required Local Anesthesia Refresher Course.

A. Before administering local anesthesia by inferior alveolar nerve block, a dental hygienist who successfully completed the education requirements and examination for the 28-hour local anesthesia Board-approved course as outlined in Regulation .08 of this chapter before October 1, 2011 shall:

- (1) Successfully complete a Board-approved refresher course of at least 2 hours on local anesthesia by inferior alveolar nerve block offered by an accredited dental hygiene program;
- (2) Pass a clinical examination administered by the Board-approved course with an overall passing grade of at least 75 percent; and
- (3) Submit a letter from an accredited dental hygiene program indicating that the applicant has:
 - (a) Successfully completed the Board-approved course; and
 - (b) Received an overall passing grade of at least 75 percent in the course's clinical examination.

B. The letter from the accredited dental hygiene program referred to in §A of this regulation shall:

- (1) Be on the letterhead of the accredited dental hygiene program;
- (2) Contain a raised embossed school seal; and
- (3) Contain the original signature of either:
 - (a) The Dean of the accredited dental hygiene program; or
 - (b) The head of the dental hygiene department.

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

C. A dental hygienist who is subject to this regulation shall receive written permission from the Board before administering local anesthesia by inferior alveolar nerve block.

D. A dental hygienist who is subject to §A of this regulation and who has not received written permission from the Board to administer local anesthesia by inferior alveolar nerve block as described in §C of this regulation may administer local anesthesia by infiltration only.

10.44.04.11. 11 Out-of-State Certification to Administer Local Anesthesia or Manual Curettage.

A. Local Anesthesia. A dental hygienist holding an active certification to administer local anesthesia in another state or who is otherwise recognized to administer local anesthesia in another state may be granted recognition to administer local anesthesia in Maryland without taking and passing the Board-approved course outlined in Regulation .08A and B of this chapter if the dental hygienist:

- (1) Has passed the CDCA Local Anesthesia Examination for Dental Hygienists; and
- (2) Applies for and receives recognition by the Board as qualified to administer local anesthesia.

B. Manual Curettage in Conjunction with Scaling and Root Planning. A dental hygienist holding an active certification to perform manual curettage in conjunction with scaling and root planning in another state, or who is otherwise recognized to perform manual curettage in conjunction with scaling and root planning in another state, may, while so certified or recognized in another state, perform manual curettage in conjunction with scaling and root planning without taking and passing the Board-approved course in manual curettage in conjunction with scaling and root planning outlined in Regulation .12 of this chapter.

10.44.04.12 Board-Approved Course in Manual Curettage in Conjunction with Scaling and Root Planning.

A. A dental hygienist who wishes to perform manual curettage in conjunction with scaling and root planing shall successfully complete a 2-hour Board-approved course of instruction in manual curettage in conjunction with scaling and root planing.

B. The 2-hour Board-approved course of instruction in manual curettage in conjunction with scaling and root planing shall contain a total of 2 hours of didactic instruction.

C. A dental hygienist who takes the Board-approved course of instruction in manual curettage in conjunction with scaling and root planing outlined in §A of this regulation shall pass a written examination administered by the Board-approved course with a grade of at least 75 percent.

D. The Board-approved course of instruction in manual curettage in conjunction with scaling and root planing may be obtained by a dental hygienist while an undergraduate student in a Board-approved school for dental hygiene that is accredited by the American Association Committee on Dental Accreditation or its successor organization.

E. The 2-hour Board-approved course of instruction in manual curettage in conjunction with scaling and root planing:

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

- (1) May but need not be taken from an accredited dental hygiene program; and
- (2) May be taken online.

10.44.04.13 Continuing Education and Renewal for Local Anesthesia and Manual Curettage.

A. A dental hygienist is not required to renew the Board recognition to:

- (1) Administer local anesthesia; or
- (2) Perform manual curettage in conjunction with scaling and root planing.

B. A dental hygienist who has successfully completed the following since graduating from an approved school of dental hygiene may receive continuing education credit toward renewal of their dental hygiene license:

- (1) The 28-hour Board-approved course of instruction for local anesthesia;
- (2) The 2-hour Board-approved course of instruction in manual curettage in conjunction with scaling and root planing; and
- (3) The CDCA Local Anesthesia Examination for Dental Hygienists.

10.44.04.14 Requirements for Instructors for Local Anesthesia Course.

If the Board-approved course of instruction in local anesthesia is taught by a dental hygienist, a dentist shall:

- A. Be present in the classroom during clinical instruction, which includes but is not limited to the administration of local anesthesia; and
- B. Be affiliated with the same dental hygiene program as the dental hygienist teaching the course.

10.44.04.15 Application for Board Recognition to Administer Local Anesthesia.

A. A dental hygienist shall submit a completed Board-approved application with the Board to be recognized as qualified to administer local anesthesia.

B. Recognized as Qualified to Administer Local Anesthesia.

(1) Not Certified or Otherwise Recognized in Another State. A dental hygienist who applies to be recognized as qualified to administer local anesthesia and who is not certified or otherwise recognized to administer local anesthesia in another state shall submit to the Board:

- (a) A completed Board-approved application;
- (b) Proof of completion of a 28-hour Board-approved course of instruction in the administration of local anesthesia in the form of a letter from an accredited dental hygiene program indicating that the applicant has:
 - (i) Successfully completed the course; and

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

(ii) Received an overall passing grade of at least 75 percent in both the course's written examination and the course's clinical examination;

(c) A certified examination score from the CDCA indicating that the applicant has passed the CDCA Local Anesthesia Examination for Dental Hygienists;

(d) A fee as specified in COMAR 10.44.20; and

(e) Any other pertinent documents or information requested by the Board.

(2) Recognized as Qualified to Administer Local Anesthesia by Virtue of Being Recognized in Another State. A dental hygienist who applies to be recognized as qualified to administer local anesthesia by virtue of being certified or otherwise recognized to administer local anesthesia in another state shall submit the following to the Board:

(a) A Board-approved application;

(b) A certified copy of the dental hygienist's most recent license or certification from the state of licensure or certification, indicating that the dental hygienist holds a current license or certification to administer local anesthesia;

(c) A certified examination score from the CDCA indicating that the applicant has passed the CDCA Local Anesthesia Examination for Dental Hygienists;

(d) An affidavit indicating that the hygienist has successfully administered local anesthesia at least 25 times in the 2-year period immediately preceding the date of application;

(e) A fee as specified in COMAR 10.44.20; and

(f) Any other pertinent documents or information requested by the Board.

C. The letter from the accredited dental hygiene program referenced in §B(1)(b) of this regulation shall:

(1) Be on the letterhead of the accredited dental hygiene program;

(2) Contain a raised embossed school seal; and

(3) Contain the original signature of either:

(a) The Dean of the accredited dental hygiene program; or

(b) The head of the dental hygiene department.

D. The experience requirements of §B2(d) of this regulation may not be obtained as an undergraduate dental hygiene student.

10.44.04.16 Display and Location of Recognition to Administer Local Anesthesia.

A dental hygienist recognized by the Board as qualified to administer local anesthesia shall display the recognition conspicuously in the office where the holder is engaged in practice.

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

10.44.04.17 Nitrous Oxide.

A. Classification of Board Recognition. The Board shall recognize the classification of recognized to monitor nitrous oxide.

B. A dental hygienist may not administer nitrous oxide unless recognized by the Board as being qualified to do so as provided in this chapter.

C. A dental hygienist who is recognized by the Board to administer nitrous oxide may do so provided that the administration of nitrous oxide is under the supervision of a dentist who:

(1) Is physically on the premises; and

(2) Prescribes the administration of nitrous oxide by the dental hygienist.

D. The supervising dentist and the dental hygienist who administers nitrous oxide shall insure that the patient retains the ability to independently and continuously maintain an airway and respond purposely to physical stimulation and verbal commands.

E. A dental hygienist who administers or monitors a patient to whom nitrous oxide has been administered shall enter the details of the procedure during and after the procedure into the patient's record.

F. A dental hygienist may not monitor or administer nitrous oxide to more than one patient at a time.

G. A dental hygienist who administers nitrous oxide to a patient or who monitors a patient to whom nitrous oxide has been administered may not:

(1) Treat any other patient during the course of the administration or monitoring; or

(2) Leave the operatory during the administration or monitoring except in emergency circumstances.

H. A dental hygienist who is recognized to either monitor or administer nitrous oxide may remove the patient from nitrous oxide when the procedures have been completed.

I. If a dental hygienist either monitors or administers nitrous oxide, the supervising dentist shall remain in the dental office and in close proximity to be summoned in the event of an emergency.

10.44.04.18 Qualifications for Board Recognition to Administer Nitrous Oxide.

A. A dental hygienist who wishes to receive recognition by the Board as being qualified to administer nitrous oxide shall:

(1) Hold an active license to practice dental hygiene in this State; and

(2) Successfully complete a Board-approved course of instruction as outlined in Regulation .20 of this chapter that documents training of at least 6 hours consisting of at least:

(a) 4 hours of didactic classroom training; and

(b) 2 hours of clinical training.

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

B. A dental hygienist shall pass a written and clinical examination administered by the Board-approved course with an overall passing grade of at least 75 percent in both the written examination portion and the clinical examination portion.

C. The Board-approved course of instruction in administering nitrous oxide may be obtained by:

(1) A dental hygienist while an undergraduate student in a Board-approved school for dental hygiene that is accredited by the American Dental Association Committee on Dental Accreditation or its successor organization; or

(2) A dental hygienist who completes the course offered by an accredited dental hygiene program.

D. In addition to the Requirements outlined in §§A-C of this regulation, an applicant for recognition to administer nitrous oxide shall take and pass the CDCA Nitrous Oxide Examination for Dental Hygienists.

10.44.04.19 Recognition to Monitor a Patient to Whom Nitrous Oxide Has Been Administered.

A. A dental hygienist who holds a Board recognition to monitor a patient to whom nitrous oxide has been administered may, on and after October 1, 2016, continue to monitor a dentist's administration of nitrous oxide to a patient, but may not administer nitrous oxide to a patient unless the dental hygienist holds a recognition to administer nitrous oxide.

B. A dental hygienist who is recognized to monitor a patient to whom nitrous oxide has been administered may not increase the nitrous levels.

C. The supervising dentist shall discharge the patient upon completion of the procedures.

D. Beginning on October 1, 2016, the Board may not issue a recognition to monitor nitrous oxide.

E. A dental hygienist may not administer nitrous oxide to a patient unless recognized by the Board as being qualified to do so as provided in this chapter.

10.44.04.20 Board-Approved Course of instruction for Administering Nitrous Oxide.

The 6-hour Board-approved course of instruction shall include but not be limited to the following:

A. 4 hours of didactic classroom training, including at least the following:

- (1) The history, philosophy, and psychology of nitrous oxide minimal sedation;
- (2) The definition and descriptions of the physiological and psychological aspects of pain and anxiety;
- (3) Concepts and management of pain and anxiety;
- (4) Indications and contraindications for nitrous oxide sedation;
- (5) Anatomy and physiology of pediatric and adult respiration;
- (6) Medical assessment of a patient before administration of nitrous oxide;
- (7) Moderate sedation, deep sedation, and general anesthesia versus nitrous oxide;

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

- (8) Pharmacological and physiological effects of nitrous oxide including drug interactions;
 - (9) 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;
 - (10) Administering and monitoring the flow of nitrous oxide, including the monitoring of a patient's vital functions;
 - (11) Recognition and management of complications and medical emergencies;
 - (12) Occupational exposure; and
 - (13) Preventing, recognizing, and managing possible complications of inhalation sedation; and
- B. 2 hours of clinical training, including the direct observation of the performance of procedures.

10.44.04.21 Out-of-State Certification to Administer Nitrous Oxide.

A. A dental hygienist holding an active certification or who is otherwise recognized in another state to administer nitrous oxide may be granted recognition to administer nitrous oxide without taking and passing the Board-approved course if the dental hygienist:

- (1) Has successfully administered nitrous oxide to at least 10 dental patients within the 2-year period immediately preceding the date of application without complications;
- (2) Has passed the CDCA Nitrous Oxide Examination for Dental Hygienists; and
- (3) Applies for and receives recognition by the Board as qualified to administer nitrous oxide.

B. The experience requirements of §A(1) of this regulation may not be obtained as an undergraduate dental hygiene student.

10.44.04.22 Administering Nitrous Oxide to a Patient.

A. A dental hygienist who administers nitrous oxide shall enter clinic details of the procedure during and after the procedure into the patient's dental record.

B. A dental hygienist may not administer nitrous oxide to more than one patient at a time.

C. A dental hygienist who administers nitrous oxide to a patient may not:

- (1) Treat any other patient during the course of the initiation, adjustment, monitoring, or termination of the flow of nitrous oxide; or
- (2) Leave the operatory during the initiation, adjustment, monitoring, or termination of the flow of nitrous oxide except in emergency circumstances.

D. The dental hygienist may remove the patient from nitrous oxide when the procedures have been completed.

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

E. The supervising dentist shall remain in the dental office and in appropriate proximity to be summoned in the event of an emergency.

10.44.04.23 Emergency Response Plan for Administering Nitrous Oxide.

A. A dentist that utilizes a dental hygienist to administer nitrous oxide shall have a medical emergency plan for the dental hygienist to follow in the event of an emergency.

B. In the event of an emergency, the dental hygienist may turn off the nitrous oxide and administer 100 percent oxygen.

C. In the event of an emergency the dental hygienist shall immediately summon the supervising dentist.

10.44.04.24 Continuing Education Credit for Nitrous Oxide Course.

A dental hygienist who has successfully completed the following since graduating from an approved school of dental hygiene may receive continuing education credit toward renewal of their dental hygiene license:

A. The 6-hour Board-approved course of instruction for administering nitrous oxide; and

B. The CDCA Nitrous Oxide Examination for Dental Hygienists.

10.44.04.25 Application for Board Recognition as Qualified to Administer Nitrous Oxide.

A. A dental hygienist shall submit a completed Board-approved application with the Board to be recognized as qualified to administer nitrous oxide.

B. Recognized as Qualified to Administer Nitrous Oxide.

(1) Not Certified or Otherwise Recognized in Another State. A dental hygienist who applies to be recognized as qualified to administer nitrous oxide and who is not certified or otherwise recognized in another state to administer nitrous oxide shall submit to the Board:

(a) A completed Board-approved application;

(b) Proof of completion of a 6-hour Board-approved course of instruction in administering nitrous oxide in the form of a letter from an accredited dental hygiene program indicating that the applicant has:

(i) Successfully completed the course; and

(ii) Received an overall passing grade of at least 75 percent in both the course's written examination and the course's clinical examination;

(c) A certified examination score from the CDCA indicating that the applicant has passed the CDCA Nitrous Oxide Examination for Dental Hygienists.

(d) A fee as specified in COMAR 10.44.20; and

(e) Any other pertinent documents or information requested by the Board.

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

(2) Recognized as Qualified to Administer Nitrous Oxide by Virtue of Being Recognized in Another State. A dental hygienist who applies to be recognized as qualified to administer nitrous oxide by virtue of being certified or otherwise recognized in another state to administer nitrous oxide shall submit the following to the Board:

- (a) A Board-approved application;
- (b) A certified copy of the dental hygienist's most recent license or certification from the state of licensure or certification, indicating that the dental hygienist holds a current license or certification to administer nitrous oxide;
- (c) A certified examination score from the CDCA indicating that the applicant has passed the CDCA Nitrous Oxide Examination for Dental Hygienists;
- (d) An affidavit indicating that the dental hygienist has within the 2-year period immediately preceding the date of the application successfully administered nitrous oxide to at least 10 dental patients without complications;
- (e) A fee as specified in COMAR 10.44.20; and
- (f) Any other pertinent documents or information requested by the Board.

C. The affidavit referenced in §B(2)(d) of this regulation shall contain the name, business address, and business telephone number of each dentist who supervised the applicant's administration of nitrous oxide, as well as a statement indicating whether the dentist is currently practicing dentistry, is retired, or is deceased;

D. The letter from the accredited dental hygiene program referenced in §B(1)(b) of this regulation shall:

- (1) Be on the letterhead of the accredited dental hygiene program;
- (2) Contain a raised embossed school seal; and
- (3) Contain the original signature of either:
 - (a) The Dean of the accredited dental hygiene program; or
 - (b) The head of the dental hygiene department.

E. The fee required under §B(1)(d) of this regulation shall be waived for a dental hygienist who applies for recognition to administer nitrous oxide if the dental hygienist:

- (1) Holds a recognition issued by the Board to monitor a patient to whom nitrous oxide has been administered;
- (2) Has taken and passed the CDCA Nitrous Oxide Examination for Dental Hygienists; and
- (3) Otherwise meets the requirements to administer nitrous oxide established under this chapter.

10.44.04.26 Display and Location of Recognition as Qualified to Monitor Administer Nitrous Oxide.

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

A dental hygienist recognized by the Board as qualified to either monitor or administer nitrous oxide shall display the recognition conspicuously in the office where the holder is engaged in practice.

10.44.04.27 Authority to Prescribe and Administer Medication.

A. The Board shall recognize the joint classification of recognized to prescribe and administer medication.

B. A dental hygienist may not prescribe or administer medication unless recognized by the Board as being qualified to do so as provided in this chapter.

C. A dental hygienist may not dispense medication.

10.44.04.28 Prescribing Medication.

A. A dental hygienist who is recognized by the Board to prescribe medication may, under the general supervision of a dentist, prescribe:

- (1) Topical and systemic types of prescription or over-the-counter fluoride preparations;
- (2) Topical antimicrobial rinses; and
- (3) Ibuprofen not exceeding 600 mg every 6 hours for up to 3 days after nonsurgical periodontal therapy.

B. A dental hygienist may not prescribe a drug:

- (1) That is classified as a controlled dangerous substance under Criminal Law Article, Title 5, Annotated Code of Maryland;
- (2) That is a controlled dangerous substance as defined by 21 U.S.C. §812; or
- (3) The prescription of which requires a federal Drug Enforcement Agency registration.

C. A dental hygienist may prescribe a medication under §A of this regulation under a standing order in the patient's record that is authorized by the supervising dentist, if the dental hygienist includes the following information in the patient's record:

- (1) The name of the medication;
- (2) The dosage of the medication;
- (3) The date and time the medication was administered;
- (4) The route by which the medication was administered; and
- (5) Any allergies that the patient has.

D. The standing order entered into the patient's record by the supervising dentist shall include at least:

- (1) The name of the medication;

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

(2) The dosage of the medication; and

(3) The particular circumstances under which the medication should be administered.

E. In addition to the requirements of §D of this regulation, the standing order entered into the patient's record by the supervising dentist shall identify any allergies that the patient has.

10.44.04.29 Administering Medication.

A. A dental hygienist who is recognized by the Board to administer medication may, under the general supervision of a dentist, administer medication including:

(1) Topical and systemic types of prescription or over-the-counter fluoride preparations;

(2) Topical antimicrobial rinses;

(3) Ibuprofen not exceeding 600 mg every 6 hours for up to 3 days after nonsurgical periodontal therapy;

(4) Premedication antibiotics by mouth as required for dental treatment;

(5) Subgingival antibiotics and antimicrobials; and

(6) Nonopioid pain medication.

B. A dental hygienist may not administer a medication:

(1) That is classified as a controlled dangerous substance under Criminal Law Article, Title 5, Subtitle 4, Annotated Code of Maryland, or a controlled substance as defined by 21 U.S.C. §812;

(2) The prescription of which requires a federal Drug Enforcement Agency Registration; or

(3) Except for local anesthesia that is administered by intramuscular, subcutaneous, intravenous, or intradermal injection and administered in accordance with Health Occupations Article, §4-206.1 or 4-206.3, Annotated Code of Maryland, and this chapter.

C. A dental hygienist may administer a medication under §A of this regulation under a standing order in the patient's record that is authorized by the supervising dentist, if the dental hygienist includes the following information in the patient's record:

(1) The name of the medication;

(2) The dosage of the medication;

(3) The date and time the medication was administered; and

(4) The route by which the medication was administered.

D. The standing order entered into the patient's record by the supervising dentist shall include at least the:

(1) Name of the medication;

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

- (2) Dosage of the medication;
- (3) Particular circumstances under which the medication should:
 - (a) Be administered; or
 - (b) Not be administered.

10.44.04.30 Qualification for Board Recognition to Prescribe and Administer Medication.

A. A dental hygienist who wishes to receive recognition by the Board as being qualified to prescribe and administer medication shall:

- (1) Hold an active license to practice dental hygiene in this State; and
- (2) Successfully complete a Board-approved course of at least 4 hours consisting of at least 4 hours of didactic training.

B. A dental hygienist shall pass a written examination administered by the Board-approved course with an overall passing grade of at least 75 percent.

C. The examination shall consist of at least 25 questions with a time limit of no more than 60 minutes to complete the examination.

D. The Board-approved course of instruction in prescribing and administering medication may be obtained by:

- (1) A dental hygienist while an undergraduate student in a Board-approved school for dental hygiene that is accredited by the American Dental Association Committee on Dental Accreditation or its successor organization; or
- (2) A dental hygienist who completes the course offered by an accredited dental hygiene program.

E. The course offered by the accredited dental hygiene program may be completed in-person or online.

10.44.04.31 Board-Approved Course of Instruction for Prescribing and Administering Medication.

The 4-hour Board-approved course of instruction shall include but not be limited to the following:

- A. Responsible medication prescribing;
- B. Accuracy in prescription writing;
- C. Electronic prescribing;
- D. Telephonic prescribing;
- E. Professional accountability;
- F. Risk management;
- G. Safeguarding prescription pads;

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

- H. Application for a National Provider Identifier number;
- I. Principles of and prohibitions against drug dispensing by dental hygienists;
- J. Chairside medication administration;
- K. Proper storage and disposal of medications;
- L. Labeling requirements;
- M. Drug classifications and scheduling;
- N. Controlled substances:
 - (1) The role of the federal Drug Enforcement Agency; and
 - (2) The Maryland Prescription Drug Monitoring Program;
- O. Recognizing and addressing drug abuse;
- P. Review of medical history;
- Q. Questioning patients for safe prescribing;
- R. Drug Interactions;
- S. Premedication ☐ antibiotic prophylaxis;
- T. American Dental Hygienists☐ Association guidelines for prescribing and administering medication;
- U. Drug recommendations and dosing;
- V. Adverse reactions and hypersensitivities;
- W. Medical emergencies and emergency drugs;
- X. Adjuvant therapy for nonsurgical periodontal treatment:
- Y. Evidence-based decision making for drug therapy;
- Z. Conditions and recommended therapies;
- AA. Pharmacokinetics ☐ the effect of drugs on the body;
- BB. Pharmacodynamics ☐ drug processing;
- CC. Specific medications:
 - (1) Local anesthetics:
 - (2) Antimicrobials ☐ subgingival and systemic;
 - (3) Nonsteroidal anti-inflammatory drugs;

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

(4) Fluoride preparations;

(5) Over-the-counter medications;

(6) Nutraceuticals and herbal supplements; and

(7) Vitamin and mineral supplements;

DD. Record-keeping requirements for medications prescribed and administered; and

EE. Patient follow-up care.

10.44.04.32 Out-of-State Certification to Prescribe and Administer Medication.

A. A dental hygienist holding an active certification or who is otherwise recognized in another state to prescribe and administer medication may be granted recognition to prescribe and administer medication without taking and passing the Board-approved course if the dental hygienist:

(1) Has prescribed medication to at least 100 dental patients within the 2-year period immediately preceding the date of application without complications;

(2) Has administered medication to at least 100 dental patients within the 2-year period immediately preceding the date of application without complications; and

(3) Applies for and receives recognition by the Board as qualified to prescribe and administer medication.

B. The application referred to in §A(3) of this regulation shall include a signed Board-approved affidavit affirming the experience requirements.

C. The experience requirements of §A(1) and (2) of this regulation may not be obtained as an undergraduate dental hygiene student.

10.44.04.33 Emergency Response Plan for Administering Medication.

A. A dentist who supervises a dental hygienist who is recognized by the Board to prescribe and administer medication shall have a medical emergency plan for the dental hygienist to follow in the event of an emergency.

B. In the event of an emergency, the dental hygienist shall immediately summon the supervising dentist.

10.44.04.34 Continuing Education Credit for Board-Approved Course of Instruction for Prescribing and Administering Medication.

A dental hygienist who successfully completes the 4-hour Board-approved course of instruction for prescribing and administering medication since graduating from an approved school of dental hygiene may receive 4 hours of continuing education credit toward renewal of their dental hygiene license.

10.44.04.35 Application for Board Recognition to Prescribe and Administer Medication.

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

A. A dental hygienist shall submit a completed Board-approved application with the Board to be recognized as qualified to prescribe and administer medication.

B. Recognized as Qualified to Prescribe and Administer Medication.

(1) Not Certified or Otherwise Recognized in Another State. A dental hygienist who applies to be recognized as qualified to prescribe and administer medication and who is not certified or otherwise recognized in another state to prescribe and administer medication shall submit to the Board:

(a) A completed Board-approved application;

(b) Proof of completion of a 4-hour Board-approved course of instruction in prescribing and administering medication in the form of a letter from an accredited dental hygiene program indicating that the applicant has:

(i) Successfully completed the course; and

(ii) Received an overall passing grade of at least 75 percent in the course's written examination;

(c) A fee as specified in COMAR 10.44.20; and

(d) Any other pertinent documents or information requested by the Board.

(2) Recognized as Qualified to Prescribe and Administer Medication by Virtue of Being Recognized in Another State. A dental hygienist who applies to be recognized as qualified to prescribe and administer medication by virtue of being certified or otherwise recognized as qualified in another state to prescribe and administer medication shall submit to the Board:

(a) A Board-approved application;

(b) A certified copy of the dental hygienist's most recent license or certification from the state of licensure or certification, indicating that the dental hygienist holds a current license or certification to prescribe and administer medication;

(c) An affidavit indicating that the dental hygienist has within the 2-year period immediately preceding the date of the application successfully:

(i) Prescribed medication to at least 100 patients without complications; and

(ii) Administered medication to at least 100 patients without complications;

(d) A fee as specified in COMAR 10.44.20; and

(e) Any other pertinent documents or information requested by the Board.

C. The affidavit referenced in §B(2)(c) of this regulation shall contain the name, business address, and business telephone number of each dentist who supervised the applicant's prescribing and administering medication as well as a statement indicating whether the dentist is currently practicing dentistry, is retired, or is deceased.

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

D. The letter from the accredited dental hygiene program referenced in §B(1)(b) of this regulation shall:

- (1) Be on the letterhead of the accredited dental hygiene program;
- (2) Contain a raised embossed school seal; and
- (3) Contain the original signature of either:
 - (a) The dean of the accredited dental hygiene program; or
 - (b) The head of the dental hygiene department.

10.44.04.36 Issuance of Recognition to Prescribe and Administer Medication.

A. The Board may issue a recognition as qualified to prescribe and administer medication to a dental hygienist who is not certified or otherwise recognized in another state after the Board's review of:

- (1) The applicant's application;
- (2) The applicant's qualifications; and
- (3) Any other pertinent documents or information requested by the Board.

B. The Board may issue a recognition as qualified to prescribe and administer medication to a dental hygienist who is certified or otherwise recognized in another state after the Board's review of:

- (1) The applicant's application and accompanying affidavit;
- (2) The applicant's qualifications; and
- (3) Any other pertinent documents or information requested by the Board.

10.44.04.37 Continue Education and Renewal for Prescribe and Administer Medication.

A. A dental hygienist is not required to renew the Board recognition to prescribe and administer medication.

B. A dental hygienist who has successfully completed the 4-hour Board-approved course of instruction for recognition to prescribe and administer medication since graduating from an approved school of dental hygiene may receive 4-hours of continuing education credit toward renewal of their dental hygiene license.

10.44.04.38 Display and Location of Recognition to Prescribe and Administer Medication.

A dental hygienist recognized by the Board to prescribe and administer medication shall display the recognition conspicuously in the office where the holder is engaged in practice.

10.44.04.39 Violations.

A. Subject to the hearing provisions of Health Occupations Article, §4-318, Annotated Code of Maryland, the Board may take the following action against a dental hygienist who violates any provision of this

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

chapter or who violates any provision of Health Occupations Article, §4-315(b), Annotated Code of Maryland:

- (1) Deny, suspend, or revoke the recognition to administer local anesthesia;
- (2) Deny the privilege to perform manual curettage in conjunction with scaling and root planning;
- (3) Deny, suspend, or revoke the recognition to administer nitrous oxide;
- (4) Suspend or revoke the recognition to monitor nitrous oxide;
- (5) Deny, suspend, or revoke the recognition to prescribe and administer medication;
- (6) Issue a reprimand; and
- (7) Take disciplinary action under Health Occupations Article, §4-315(b), Annotated Code of Maryland.

B. In addition to the action authorized under §A of this regulation, the Board may take formal or informal disciplinary action as specified in COMAR 10.44.07.

C. Failure to comply with this chapter constitutes unprofessional conduct and may constitute other violations of law.

10.44.04.40 Summary Suspension.

A. The Board may order the summary suspension of the recognition qualified to administer local anesthesia, the privilege to perform manual curettage in conjunction with scaling and root planning, the recognition qualified to monitor nitrous oxide, the recognition to administer nitrous oxide, or the recognition to prescribe and administer medication if the Board:

- (1) Finds that the public health, safety, or welfare imperatively requires emergency action; and
- (2) Promptly gives the licensee:
 - (a) Written notice of the suspension, the finding, and the reasons that support the finding; and
 - (b) An opportunity to be heard.

B. Service of the notice of the suspension, the finding, the reasons that support the finding, and the notice of the opportunity to be heard may be effected upon the holder of the recognition by:

- (1) Personal service; or
- (2) Written notice sent by certified mail and regular mail to the recognition holder's address on file with the Board.

C. Service made pursuant to §B(2) of this regulation shall be effective upon mailing.

D. The methods of service provided in this regulation are in addition to and not exclusive of any other means of service that are reasonably calculated to provide notice.

10.44.04.9999

Title 10 Maryland Department of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

Administrative History

Effective date: November 18, 1977 (4:24 Md. R. 1806)

Chapter revised effective April 22, 1985 (12:8 Md. R. 803)

Regulation .01-1 adopted effective May 31, 2010 (37:11 Md. R. 765)

Regulation .02 amended effective January 21, 2002 (29:1 Md. R. 23); May 31, 2010 (37:11 Md. R. 765)

Regulation .03 amended effective January 21, 2002 (29:1 Md. R. 23); May 31, 2010 (37:11 Md. R. 765)

Regulations .04-16 adopted effective May 31, 2010 (37:11 Md. R. 765)

Regulations .01-16 repealed and new Regulations .01-28 adopted effective April 29, 2013 (40:8 Md. R. 724)

Chapter revised effective November 24, 2016 (43:23 Md. R. 1279)

Chapter revised effective September 5, 2022 (49:18 Md. R. 819)