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## HOUSE BILL NO. 1349

House Amendments in [ ] — January 31, 2013

A BILL to amend and reenact §§ 54.1-2700 and 54.1-2722 of the Code of Virginia, relating to dental hygiene and dental hygienist; definitions and licensure.

Patron Prior to Engrossment—Delegate Bell, Richard P

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-2700 and 54.1-2722 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-2700. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Dentistry;

"Dental hygiene" means cleaning and polishing teeth and assisting the members of the dental profession in providing oral health care and oral health education to the public; duties related to patient assessment and the rendering of educational, preventive, and therapeutic dental services specified in regulations of the Board and not otherwise restricted to the practice of dentistry.

"Dental hygienist" means a person trained in the practice of and practicing dental hygiene; who is licensed by the Board to practice dental hygiene.

"Dentist" means a person who has been awarded a degree in and is licensed to practice dentistry;

"Dentistry" means the evaluation, diagnosis, prevention, and treatment, through surgical, nonsurgical or related procedures, of diseases, disorders, and conditions of the oral cavity and the maxillofacial, adjacent and associated structures and their impact on the human body;

"License" means the document issued to an applicant upon completion of requirements for admission to practice dentistry or dental hygiene in this the Commonwealth or upon registration for renewal of license to continue the practice of dentistry or dental hygiene in this the Commonwealth;

"Maxillofacial" means pertaining to the jaws and face, particularly with reference to specialized surgery of this region.

"Oral and maxillofacial surgeon" means a person who has successfully completed an oral and maxillofacial residency program, approved by the Commission on Dental Accreditation of the American Dental Association, and who holds a valid license from the Board.

**§ 54.1-2722. License; application; qualifications; practice of dental hygiene.**

A. No person shall practice dental hygiene unless he possesses a current, active, and valid license from the Board of Dentistry. The licensee shall have the right to practice dental hygiene in the Commonwealth for the period of his license as set by the Board, under the direction of any licensed dentist.

B. An application for such license shall be made to the Board in writing, and shall be accompanied by satisfactory proof that the applicant (i) is of good moral character, (ii) is a graduate of an accredited a dental hygiene program [ accredited by the Commission on Dental Accreditation and ] offered by an [ accredited ] institution of higher education [ accredited by the Commission on Dental Accreditation of the American Dental Association ], (iii) has passed the dental hygiene examination given by the Joint Commission on Dental Examinations, and (iv) has successfully completed a clinical examination acceptable to the Board.

C. The Board may grant a license to practice dental hygiene to an applicant licensed to practice in another jurisdiction if he (i) meets the requirements of subsection B; (ii) holds a current, unrestricted license to practice dental hygiene in another jurisdiction in the United States; (iii) has not committed any act that would constitute grounds for denial as set forth in § 54.1-2706; and (iv) meets other qualifications as determined in regulations promulgated by the Board.

D. A licensed dental hygienist may, under the direction or general supervision of a licensed dentist and subject to the regulations of the Board, perform services that are educational, diagnostic, therapeutic, or preventive. These services shall not include the establishment of a final diagnosis or treatment plan for a dental patient. Pursuant to subsection V of § 54.1-3408, a licensed dental hygienist may administer topical oral fluorides under an oral or written order or a standing protocol issued by a dentist or a doctor of medicine or osteopathic medicine.

A dentist may also authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia. In its regulations, the Board of Dentistry shall establish the education and training requirements for dental hygienists to administer such controlled substances under a dentist's direction.

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59 For the purposes of this section, "general supervision" means that a dentist has evaluated the patient  
60 and prescribed authorized services to be provided by a dental hygienist; however, the dentist need not be  
61 present in the facility while the authorized services are being provided.

62 For the purposes of this section, "remote supervision" means that a public health dentist has regular,  
63 periodic communications with a public health dental hygienist regarding patient treatment, but such  
64 dentist may not have done an initial examination of the patients who are to be seen and treated by the  
65 dental hygienist and may not be present with the dental hygienist when dental hygiene services are  
66 being provided.

67 The Board shall provide for an inactive license for those dental hygienists who hold a current,  
68 unrestricted license to practice in the Commonwealth at the time of application for an inactive license  
69 and who do not wish to practice in Virginia. The Board shall promulgate such regulations as may be  
70 necessary to carry out the provisions of this section, including requirements for remedial education to  
71 activate a license.

72 E. Notwithstanding any provision of law, a dental hygienist employed by the Virginia Department of  
73 Health who holds a license issued by the Board of Dentistry may provide educational and preventative  
74 dental care in the Commonwealth under the remote supervision of a dentist employed by the Department  
75 of Health. A dental hygienist providing such services shall practice pursuant to a protocol adopted by  
76 the Commissioner of Health on September 23, 2010, having been developed jointly by (i) the medical  
77 directors of the Cumberland Plateau, Southside, and Shenandoah Health Districts; (ii) dental hygienists  
78 employed by the Department of Health; (iii) the Director of the Dental Health Division of the  
79 Department of Health; (iv) one representative of the Virginia Dental Association; and (v) one  
80 representative of the Virginia Dental Hygienists' Association. Such protocol shall be adopted by the  
81 Board as regulations.

82 F. A report of services provided by dental hygienists pursuant to such protocol, including their  
83 impact upon the oral health of the citizens of the Commonwealth, shall be prepared and submitted by  
84 the Department of Health to the Virginia Secretary of Health and Human Resources annually. Nothing  
85 in this section shall be construed to authorize or establish the independent practice of dental hygiene.