

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

H.B. 286  
Mar 18, 2015  
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH20098-MGqq-43 (02/19)

Short Title: Dental Hygienists/Intraoral Local Anesthetics. (Public)

Sponsors: Representative Jones.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE DENTAL HYGIENE ACT TO AUTHORIZE PROPERLY  
3 TRAINED DENTAL HYGIENISTS TO ADMINISTER INTRAORAL LOCAL DENTAL  
4 ANESTHETICS UNDER THE DIRECT SUPERVISION OF A LICENSED DENTIST.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 90-221 reads as rewritten:

7 "§ 90-221. Definitions.

8 The following definitions apply in this Article:

9 (1) Board. – The North Carolina State Board of Dental Examiners created by  
10 Chapter 139, Public Laws of 1879, and Chapter 178, Public Laws of 1915 as  
11 continued in existence by G.S. 90-22.

12 (a)(2) ~~"Dental hygiene" as used in this Article shall mean the~~Dental hygiene. – The  
13 performance of the following functions: Complete oral prophylaxis,  
14 application of preventive agents to oral structures, exposure and processing  
15 of radiographs, administration of medicaments prescribed by a licensed  
16 dentist, preparation of diagnostic aids, and written records of oral conditions  
17 for interpretation by the dentist, together with such other and further  
18 functions as may be permitted by rules and regulations of the Board not  
19 inconsistent herewith. For a dental hygienist who has completed additional  
20 training and is currently certified as required by G.S. 90-223(a6), the term  
21 also includes administration of intraoral local dental anesthetics by  
22 infiltration and block techniques, but only under the direct supervision of a  
23 dentist licensed in this State.

24 (b)(3) ~~"Dental hygienist" as used in this Article, shall mean any~~Dental hygienist. –  
25 Any person who is a graduate of a Board-accredited school of dental  
26 hygiene, who has been licensed by the Board, and who practices dental  
27 hygiene as prescribed by the Board.

28 (4) Direct supervision. – Acts are deemed to be under direct supervision of a  
29 licensed dentist when performed in a locale where the supervising licensed  
30 dentist is physically present during the performance of such acts. The term  
31 does not include lesser supervision under G.S. 90-233(a) or G.S. 90-233(a1).

32 (e)(5) ~~"License" shall mean a~~License. – A certificate issued to any applicant upon  
33 completion of requirements for admission to practice dental hygiene.

34 (d)(6) ~~"Renewal certificate" shall mean the~~Renewal certificate. – The annual  
35 certificate of renewal of license to continue practice of dental hygiene in the  
36 State of North Carolina.



\* D R H 2 0 0 9 8 - M G Q Q - 4 3 \*

1 (e) "Board" shall mean "The North Carolina State Board of Dental Examiners"  
2 created by Chapter 139, Public Laws of 1879, and Chapter 178, Public Laws  
3 of 1915 as continued in existence by G.S. 90-22.

4 (f)(7) "Supervision" as used in this Article shall mean that actsSupervision. – Acts  
5 are deemed to be under the supervision of a licensed dentist when performed  
6 in a locale where a licensed dentist is physically present during the  
7 performance of such acts, except those acts performed under direction and in  
8 compliance with G.S. 90-233(a) or G.S. 90-233(a1), and such  
9 actsG.S. 90-233(a1), and which are being performed pursuant to the dentist's  
10 order, control and approval."

11 **SECTION 2.** G.S. 90-233(a1) reads as rewritten:

12 "(a1) A dental hygienist who has three years of experience in clinical dental hygiene or a  
13 minimum of 2,000 hours performing primarily prophylaxis or periodontal debridement under  
14 the supervision of a licensed dentist, who (i) completes annual CPR certification, ~~who~~ (ii)  
15 completes six hours each year of Board-approved continuing education in medical emergencies  
16 in addition to the requirements of G.S. 90-225.1, and ~~who~~ (iii) is designated by the employing  
17 dentist as being capable of performing clinical hygiene procedures without the direct  
18 supervision of the dentist, may perform one or more dental hygiene functions as described in  
19 the first sentence of G.S. 90-221(a) G.S. 90-221(2) without a licensed dentist being physically  
20 present if all of the following conditions are met:

- 21 (1) A licensed dentist directs in writing the hygienist to perform the dental  
22 hygiene functions.
- 23 (2) The licensed dentist has personally conducted an evaluation of the patient  
24 which shall include a complete oral examination of the patient, a thorough  
25 analysis of the patient's health history, a diagnosis of the patient's condition,  
26 and a specific written plan for treatment.
- 27 (3) The dental hygiene functions directed to be performed in accordance with  
28 this subsection shall be conducted within 120 days ~~of~~ after the dentist's  
29 evaluation.
- 30 (4) The services are performed in nursing homes; rest homes; long-term care  
31 facilities; rural and community clinics operated by Board-approved  
32 nonprofits; rural and community clinics operated by federal, State, county,  
33 or local governments; and any other facilities identified by the Office of  
34 Rural Health and approved by the Board as serving dental access shortage  
35 areas."

36 **SECTION 3.** G.S. 90-233 is amended by adding a new subsection to read:

37 "(a6) A dental hygienist who has completed a program approved by the Board in  
38 accordance with G.S. 90-233.5, may administer intraoral local dental anesthetics by infiltration  
39 and block techniques, but only under the direct supervision of a dentist licensed in this State."

40 **SECTION 4.** Article 16 of Chapter 90 of the General Statutes is amended by  
41 adding a new section to read:

42 "**§ 90-233.5. Board approval of programs to qualify dental hygienists to administer**  
43 **intraoral local dental anesthetics.**

44 (a) The Board is authorized to approve any program that qualifies dental hygienists to  
45 administer intraoral local dental anesthetics as described in G.S. 90-221(2). The Board's  
46 authority includes approval over the content of required courses, the length of training, and the  
47 nature of a subsequent preceptorship under a dentist licensed and practicing in this State. The  
48 Board shall not approve any certification program that does not, at a minimum, require all of  
49 the following:

- 1           (1)   Instruction using lecture and laboratory or clinical formats at the University  
2           of North Carolina School of Dentistry, the East Carolina University School  
3           of Dental Medicine, or both.
- 4           (2)   Instruction by a dentist who has a DDS or DMD degree from a program of  
5           dentistry in a school or college accredited by the Commission on Dental  
6           Accreditation of the American Dental Association and approved by the  
7           Board.
- 8           (3)   A faculty to student ratio of no greater than 1:4 for laboratory or clinical  
9           instruction.
- 10          (4)   Instruction to enable attainment of a minimum level of competence and upon  
11          successful attainment of that minimum level of competence, issuance of a  
12          certificate of completion.
- 13          (5)   Completion of a training program that includes, at a minimum, a three-day  
14          session on intraoral local dental anesthetics that includes all of the following:  
15           a.     Fourteen lecture hours on pharmacology, physiology, equipment, and  
16           technique.  
17           b.     Three lecture hours on medical emergencies.  
18           c.     A two-hour laboratory or clinical course.  
19           d.     Three one-hour evaluations of a student's competence.
- 20          (6)   Within 12 months after successful completion of a training program that  
21          meets the requirements of subdivision (5) of this subsection, completion of a  
22          six-month preceptorship that includes a minimum of 750 hours performing  
23          primarily the administration of intraoral local dental anesthetics by  
24          infiltration and block techniques under the direct supervision of a dentist  
25          licensed and practicing in this State. The preceptorship process shall (i)  
26          include a comprehensive evaluation and assessment of the dental hygienist's  
27          knowledge and abilities in administration of intraoral local dental anesthetics  
28          and (ii) require the preceptor dentist to execute a certificate of qualification  
29          upon successful completion of the preceptorship to demonstrate that the  
30          dental hygienist is qualified to administer intraoral local dental anesthetics as  
31          described in G.S. 90-221(2).

32          (b)   The Board may approve an application by a dental hygienist licensed under  
33          G.S. 90-225 to administer intraoral local dental anesthetics as described in G.S. 90-221(2)  
34          without completing a program approved by the Board in accordance with subsection (a) of this  
35          section upon evidence that (i) the licensed dental hygienist was qualified to administer intraoral  
36          local dental anesthetics in another state, country, or territory and (ii) the education, training, and  
37          qualification requirements for administering intraoral local dental anesthetics in the other  
38          jurisdiction are substantially equivalent to the requirements of subsection (a) of this section. If  
39          the Board determines that the education, training, and qualification requirements of the other  
40          jurisdiction are not substantially equivalent to the requirements of subsection (a) of this section,  
41          the Board may require the licensed dental hygienist to complete all or parts of the requirements  
42          specified in subsection (a) of this section in order to become qualified to administer intraoral  
43          local dental anesthetics in this State.

44          (c)   The Board shall require a dental hygienist to annually submit to the Board evidence  
45          of continuing competence to administer intraoral local dental anesthetics as described in  
46          G.S. 90-221(2). Evidence of continuing competence shall be satisfied upon demonstration that  
47          the dental hygienist has completed annual CPR certification and at least two hours each year of  
48          Board-approved continuing education related to the administration of intraoral local dental  
49          anesthetics. The Board may apply these continuing education hours toward satisfaction of the  
50          six hours of continuing education in medical emergencies required each year of licensed dental

1 hygienists pursuant to G.S. 90-233(a1), or require that these hours be completed in addition to  
2 the six hours required by G.S. 90-225.1.

3 (d) As long as a lawfully authorized dental hygienist qualified to administer intraoral  
4 local dental anesthetics is properly working under the direct supervision of a dentist licensed to  
5 practice in North Carolina, the administration of intraoral local dental anesthetics by the dental  
6 hygienist shall not be prohibited or otherwise limited by G.S. 90-29(b)(6)."

7 **SECTION 5.** The North Carolina Board of Dental Examiners shall, under  
8 G.S. 90-48, 90-222, and 90-223(b), have full power and authority to adopt rules not  
9 inconsistent with Article 2 and Article 16 of Chapter 90 of the General Statutes to implement  
10 and enforce the provisions of this act.

11 **SECTION 6.** G.S. 90-233.1 is recodified as G.S. 90-233.10 under Article 16 of  
12 Chapter 90 of the General Statutes.

13 **SECTION 7.** G.S. 90-233.1 through G.S. 90-233.4 are reserved for future  
14 codification purposes.

15 **SECTION 8.** This act becomes effective January 1, 2016.