

Act No. 35
Public Acts of 2003
Approved by the Governor
July 2, 2003
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July 3, 2003
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**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Reps. Vander Veen, Drolet, LaJoy, Voorhees, Shaffer, Ruth Johnson, Pappageorge, Ehardt, Palmer, Sheen, Gaffney, Huizenga, Stewart, Caswell, DeRossett, Richardville, Spade, Murphy, Kooiman, Hager, Julian, Hunter, Tobocman, Bieda, Wojno, DeRoche, Stakoe, Garfield, Gleason, Milosch, Hoogendyk, Sak, Elkins and Gillard

ENROLLED HOUSE BILL No. 4356

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 16611 (MCL 333.16611), as amended by 2002 PA 423.

The People of the State of Michigan enact:

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

(2) Deep scaling, root planing, and the removal of calcareous deposits may only be performed by an individual licensed or otherwise authorized by this article as a dental hygienist or a dentist.

(3) The department shall not issue a dental hygienist's license to an individual unless the individual has graduated from a school or college for dental hygienists whose dental hygiene program is accredited by the commission on dental accreditation of the American dental association and approved by the department. The school or college must be accredited by a regional accrediting agency for colleges, universities, or institutions of higher education that is recognized by the United States department of education and approved by the department and must conduct a curriculum consisting of not less than 2 academic years for dental hygiene graduation with courses at the appropriate level to enable matriculation into a more advanced academic degree program.

(4) Upon delegation by a dentist under section 16215 and under the direct supervision of a dentist, a dental hygienist may administer intraoral block and infiltration anesthesia to a patient who is 18 years of age or older if the following criteria are met:

(a) The dental hygienist has successfully completed a course in the administration of local anesthesia offered by a dental or dental hygiene program accredited by the commission on dental accreditation of the American dental association and approved by the department. A course described in this subdivision must contain a minimum of 15 hours didactic instruction and 14 hours of clinical experience. The courses of instruction shall include content in all of the following:

- (i) Theory of pain control.
- (ii) Selection of pain control modalities.
- (iii) Anatomy.
- (iv) Neurophysiology.
- (v) Pharmacology of local anesthetics.
- (vi) Pharmacology of vasoconstrictors.
- (vii) Psychological aspects of pain control.
- (viii) Systemic complications.
- (ix) Techniques of maxillary anesthesia.
- (x) Techniques of mandibular anesthesia.
- (xi) Infection control.
- (xii) Local anesthesia medical emergencies.

(b) The dental hygienist has successfully completed a state or regional board-administered written examination on local anesthesia within 18 months of completion of the course work required under subdivision (a).

(c) The dental hygienist maintains and can show evidence of current certification in basic or advanced cardiac life support in compliance with R 338.11701 of the Michigan administrative code.

(5) Application for certification in the administration of local anesthesia under subsection (4) is at the discretion of each individual dental hygienist.

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

(7) In addition to the rules promulgated by the department under this part, upon delegation by a dentist under section 16215 and under the direct supervision of a dentist, a registered dental assistant may perform the following procedures:

- (a) Placing, condensing, and carving amalgam restorations.
- (b) Taking final impressions for indirect restorations.

(8) In addition to the rules promulgated by the department under this part, upon delegation by a dentist under section 16215 and under the general supervision of a dentist, a registered dental assistant may perform the following intra-oral dental procedures:

- (a) Performing pulp vitality testing.
- (b) Placing and removing matrices and wedges.
- (c) Applying cavity liners and bases.
- (d) Placing and packing nonepinephrine retraction cords.
- (e) Applying desensitizing agents.
- (f) Taking an impression for orthodontic appliances, mouth guards, bite splints, and bleaching trays.
- (g) Drying endodontic canals with absorbent points.
- (h) Etching and placing adhesives prior to placement of orthodontic brackets.

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

(10) As used in this section:

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

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

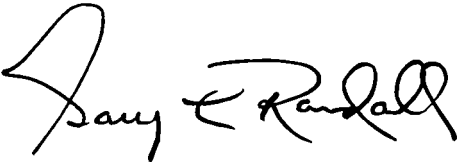
(ii) Examines the patient before prescribing the procedures to be performed and upon completion of the procedures.

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

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

- (i) Designates a patient of record upon whom services are to be performed.
- (ii) Is physically present in the office at the time the procedures are being performed.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor