



SPONSOR: Rep. Briggs King & Rep. D. Short & Sen. Hocker
Reps. Baumbach, Keeley, Kowalko, Mitchell,
K. Williams, Wilson; Sen. Bushweller

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 28

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE PRACTICE OF DENTAL HYGIENE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 1101, Title 24 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 1101. Definitions.

4 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them
5 under this section except where the context clearly indicates a different meaning:

6 (13) "Practice of dental hygiene" shall ~~mean the removal of calculus deposits, plaque and stains from all~~
7 ~~surfaces of the teeth, and making instrumental examinations of the oral cavity, and assembling all necessary~~
8 ~~information for use by the dentist in diagnosis and treatment planning, and the performance of such prophylactic or~~
9 ~~preventive measures in the case of teeth, including the application of chemicals to the teeth and periodontal tissues,~~
10 ~~designed and approved for the prevention of dental caries and/or periodontal disease, as the Board may authorize; but~~
11 ~~the "practice of dental hygiene" shall not include any other operation on the teeth or tissues of the mouth refer to the~~
12 performance of dental hygiene services, by a dental hygienist licensed under this chapter, either generally or through
13 telemedicine, rendering educational, preventative, and therapeutic dental services to the full extent of their education,
14 including removal of plaque biofilm and calculus from dentition, application of preventative therapeutic agents to the
15 teeth and periodontal tissues designed and approved for the prevention of dental caries and/or periodontal disease,
16 dental hygiene assessments and dental hygiene clinical evaluations, risk assessments, planning, implementation of
17 services, evaluation and documentation.

18 Section 2. Amend § 1121, Title 24 of the Delaware Code by making deletions as shown by strikethrough and
19 insertions as shown by underline as follows:

20 § 1121. License required.

21 (a) No person shall practice dentistry or dental hygiene or hold himself or herself out to the public in this State
22 as being qualified to practice dentistry or dental hygiene or use in connection with the person's name, or otherwise

assume or use, any title or description conveying or tending to convey the impression that the person is qualified to practice dentistry or dental hygiene unless such person has been duly licensed under this chapter.

(b)(1) Except as provided under paragraph (2) of this subsection, aA dental hygienist licensed under this chapter shall practice dental hygiene only under the general supervision of a licensed dentist, in the office of the licensed dentist or in any public school or other public institution of this State.

(2) A dental hygienist licensed under this chapter may engage in the practice of dental hygiene under the following circumstances:

(i) The practice is performed at a hospital, school, nursing facility and similar facilities as defined in Title 16, charitable institutions, or prisons; and

(ii) The services are requested or approved by the operator or owner of the facility where the services are to be performed and by each individual patient or legal guardian being treated; and

(iii) Adequate safeguards are present to protect the patient's health and safety; and

(iv) The dental hygienist shall refer each patient to a licensed dentist on an annual basis. Documentation of the referral must be maintained in the patient's health record of that facility; and

(v) A licensed dental hygienist must possess professional liability insurance.

(3) A licensed dental hygienist may enter into a written professional agreement with a licensed dentist or facility identified under subsection (b)(2)(i).

SYNOPSIS

According to the American Dental Association, approximately 1/3 of Americans face challenges accessing dental care, where access challenges include difficulty getting to a dental office and overcoming financial barriers. In order to increase access to basic dental services, this bill will allow for dental hygienists to travel to certain facilities and provide dental hygiene services. Under existing law, a dental hygienist may only act under the general supervision of a dentist in the dental office, state institutions, or schools. Prior to offering these services, the facility owner/operator and the patient/legal guardian must approve of the dental services to be provided, and adequate safeguards must be provided, including the referral to a licensed dentist for consultation. This bill also updates the definition of the practice of dental hygiene services.