

HOUSE BILL No. 4996

June 23, 2005, Introduced by Reps. Vander Veen, Stahl, Gleason, Kahn, Walker, Newell, Mortimer, Green, Zelenko, Wojno, Clack, Hune, Moore, Amos, Jones, Gaffney, Murphy, Angerer, Byrnes, Garfield, Lemmons, Jr., Pearce, Booher, Shaffer, Ward, Robertson, Brandenburg, Meyer, Stakoe, Caswell, Nofs, Ball, Hildenbrand, Taub, Farrah, Gonzales and Lemmons, III and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16625 (MCL 333.16625), as amended by 1991 PA
58.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16625. (1) The board may promulgate rules to prohibit or
2 otherwise restrict the assignment of procedures to a dental
3 hygienist or a dental assistant if the board determines that the
4 assignment constitutes or may constitute a danger to the health,
5 safety, or welfare of the patient or the public.

6 (2) Notwithstanding section 16601(1)(f) or the rules

promulgated under subsection (1), a dental hygienist may perform dental hygiene services under the supervision of a dentist as part of a program for dentally underserved populations in this state conducted by a local, state, or federal grantee health agency for patients who are not assigned by a dentist. The director of ~~public~~ **COMMUNITY** health shall designate a person as a grantee health agency for a 2-year period if the person applies to the department of ~~public~~ **COMMUNITY** health on a form provided by the department of ~~public~~ **COMMUNITY** health and meets all of the following requirements:

(a) Is a public or nonprofit ~~agency administering~~ **ENTITY, OR A SCHOOL OR NURSING HOME, THAT ADMINISTERS** a program of dental care to a dentally underserved population.

~~—— (b) Obtains more than 50% of its total revenue from public or nonprofit organization sources.~~

(B) ~~(e)~~ Employs or contracts with at least 1 dentist ~~and~~ **OR** 1 dental hygienist.

~~—— (d) Is not associated with a private dental practice or an incorporated dental service provider whose only source of state or federal funding is reimbursement under the program for medical assistance administered by the department of social services under the social welfare act, Act No. 280 of the Public Acts of 1939, being sections 400.1 to 400.121 of the Michigan Compiled Laws.~~

(C) ~~(e)~~ Submits a program overview indicating the approximate population to be served, the method by which the service is to be provided, ~~and~~ the procedures for program oversight and direction, **AND THE NAME AND LICENSE NUMBER OF THE**

1 DENTIST AND DENTAL HYGIENIST, IF APPLICABLE, WHO ARE PERFORMING
2 SERVICES UNDER THE PROGRAM.

3 (3) WITHIN 10 BUSINESS DAYS AFTER THE DEPARTMENT APPROVES AN
4 APPLICATION AND DESIGNATES A GRANTEE HEALTH AGENCY UNDER SUBSECTION
5 (2), THE DEPARTMENT SHALL NOTIFY THE BOARD OF THE DESIGNATION IN
6 WRITING OR MAKE THE INFORMATION ELECTRONICALLY AVAILABLE.

7 (4) ~~—(3)—~~ The director of ~~—public—~~ COMMUNITY health may
8 appoint an advisory committee to assist the director of ~~—public—~~
9 COMMUNITY health in designating grantee health agencies under
10 subsection (2). If the director of ~~—public—~~ COMMUNITY health does
11 appoint an advisory committee under this subsection, the director
12 of ~~—public—~~ COMMUNITY health shall include on the advisory
13 committee, at a minimum, a representative from the Michigan dental
14 hygienist association or its successor organization and a
15 representative from the Michigan dental association or its
16 successor organization.

17 (5) ~~—(4)—~~ As used in this section: ~~—, "supervision"~~

18 (A) "NURSING HOME" MEANS THAT TERM AS DEFINED UNDER SECTION
19 20109.

20 (B) "SCHOOL" MEANS A PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY
21 INSTITUTION OF LEARNING FOR ANY GRADE FROM KINDERGARTEN TO 12.

22 (C) "SUPERVISION" means the overseeing of or participation in
23 the work of any other individual by a health professional licensed
24 under this article in circumstances in which 1 or more of the
25 following exist:

26 (i) ~~—(a)—~~ The continuous availability of direct communication
27 in person or by radio, telephone, or telecommunication between the

1 supervised individual and a licensed health professional.

2 **(ii)** ~~—(b)—~~ The availability of a licensed health professional
3 on a regularly scheduled basis to review the practice of the
4 supervised individual, to provide consultation to the supervised
5 individual, to review records, and to further educate the
6 supervised individual in the performance of the individual's
7 functions.

8 **(iii)** ~~—(c)—~~ The provision by the licensed supervising health
9 professional of predetermined procedures and drug protocol.