

SENATE BILL No. 1400

June 19, 2008, Introduced by Senator VAN WOERKOM and referred to the Committee on Families and Human Services.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16625 (MCL 333.16625), as amended by 2005 PA
161.

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
7 promulgated under subsection (1), a dental hygienist may perform
8 dental hygiene services under the supervision of a dentist as part

1 of a program for dentally underserved populations in this state
2 conducted by a local, state, or federal grantee health agency for
3 patients who are not assigned by a dentist. The director of
4 community health shall designate a person as a grantee health
5 agency for a 2-year period if the person applies to the department
6 of community health on a form provided by the department of
7 community health and meets all of the following requirements:

8 (a) Is a public or nonprofit entity, or a school or nursing
9 home, that administers a program of dental care to a dentally
10 underserved population.

11 (b) Employs or contracts with at least 1 dentist or 1 dental
12 hygienist.

13 (c) Submits a program overview indicating the approximate
14 population to be served, the method by which the service is to be
15 provided, the procedures for program oversight and direction, and
16 the name and license number of the dentist and dental hygienist, if
17 applicable, who are performing services under the program.

18 (3) Within 10 business days after the department approves an
19 application and designates a grantee health agency under subsection
20 (2), the department shall notify the board of the designation in
21 writing or make the information electronically available.

22 (4) ~~The~~ **ON OR BEFORE THE EXPIRATION OF 60 DAYS AFTER THE**
23 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBSECTION (6), THE**
24 director of community health ~~may~~ **SHALL** appoint an advisory
25 committee to assist the director of community health in designating
26 grantee health agencies under subsection (2) **AND TO DETERMINE**
27 **WHETHER THE AUTHORITY GRANTED TO COMMUNITY DENTAL HEALTH**

1 COORDINATORS UNDER SUBSECTION (6) SHOULD CONTINUE. ~~If the~~ THE
2 director of community health ~~does appoint an advisory committee~~
3 ~~under this subsection, the director of community health shall~~
4 include on the advisory committee, at a minimum, a representative
5 from the Michigan dental hygienist association or its successor
6 organization and a representative from the Michigan dental
7 association or its successor organization.

8 (5) NOTWITHSTANDING ANY OTHER SECTION OF THIS PART OR ANY
9 RULES PROMULGATED UNDER THIS PART AND SUBJECT TO SUBSECTION (6), A
10 COMMUNITY DENTAL HEALTH COORDINATOR MAY PERFORM THE FOLLOWING
11 PROCEDURES WHILE UNDER THE SUPERVISION OF A DENTIST AND ONLY IN
12 THOSE GEOGRAPHIC AREAS DESIGNATED BY THE BOARD AS CONTAINING
13 DENTALLY UNDERSERVED POPULATIONS:

14 (A) TAKING DENTAL HISTORIES.

15 (B) VISUALLY INSPECTING THE ORAL CAVITY FOR CARIOUS LESIONS
16 AND OTHER HARD TISSUE ANOMALIES.

17 (C) VISUALLY INSPECTING THE SOFT TISSUES OF THE ORAL CAVITY.

18 (D) TAKING RADIOGRAPHS.

19 (E) TAKING VITAL SIGNS.

20 (F) DENTAL CHARTING AND MAINTAINING OTHER PATIENT TREATMENT
21 RECORDS.

22 (G) APPLYING TOPICAL ANESTHETICS.

23 (H) APPLYING FLUORIDE AGENTS.

24 (I) PROVIDING ORAL HEALTH INSTRUCTION.

25 (J) CLEANING AND POLISHING REMOVABLE ORAL APPLIANCES AND
26 PROSTHESES.

27 (K) CORONAL POLISHING.

1 (I) SCALING FOR PERIODONTAL TYPE I GINGIVITIS PATIENTS.

2 (M) MANUALLY REMOVING DEBRIS FROM CAVITIES.

3 (N) PLACING GLASS IONOMER MATERIALS AND OTHER TEMPORARY
4 MATERIALS.

5 (6) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
6 AUTHORITY GRANTED TO COMMUNITY DENTAL HEALTH COORDINATORS UNDER
7 SUBSECTION (5) EXPIRES 4 YEARS AFTER THE EFFECTIVE DATE OF THE
8 AMENDATORY ACT THAT ADDED THIS SUBSECTION. IF THE ADVISORY
9 COMMITTEE APPOINTED UNDER SUBSECTION (4) DETERMINES BEFORE THE
10 ORIGINAL EXPIRATION DATE PROVIDED IN THIS SUBSECTION THAT THE
11 AUTHORITY GRANTED TO COMMUNITY DENTAL HEALTH COORDINATORS SHOULD
12 CONTINUE, THE ADVISORY COMMITTEE SHALL NOTIFY THE DIRECTOR OF
13 COMMUNITY HEALTH OF THAT DETERMINATION. UPON RECEIPT OF THE
14 ADVISORY COMMITTEE'S DETERMINATION THAT THE AUTHORITY GRANTED TO
15 COMMUNITY DENTAL HEALTH COORDINATORS UNDER SUBSECTION (5) SHOULD
16 CONTINUE, THE DIRECTOR OF COMMUNITY HEALTH SHALL ISSUE AN ORDER TO
17 THAT EFFECT. IF THE AUTHORITY GRANTED TO COMMUNITY DENTAL HEALTH
18 COORDINATORS IS CONTINUED UNDER THIS SUBSECTION BEYOND THE ORIGINAL
19 EXPIRATION DATE PROVIDED IN THIS SUBSECTION, THE ADVISORY COMMITTEE
20 AT ANY TIME MAY DETERMINE THAT THE AUTHORITY GRANTED TO COMMUNITY
21 DENTAL HEALTH COORDINATORS UNDER SUBSECTION (5) SHOULD EXPIRE AND
22 SHALL NOTIFY THE DIRECTOR OF COMMUNITY HEALTH OF THAT
23 DETERMINATION. UPON RECEIPT OF THE ADVISORY COMMITTEE'S
24 DETERMINATION THAT THE AUTHORITY GRANTED TO COMMUNITY DENTAL HEALTH
25 COORDINATORS UNDER SUBSECTION (5) SHOULD EXPIRE, THE DIRECTOR OF
26 COMMUNITY HEALTH SHALL ISSUE AN ORDER TO THAT EFFECT. NEITHER THE
27 DIRECTOR OF COMMUNITY HEALTH NOR THE ADVISORY COMMITTEE HAS THE

1 AUTHORITY TO REINSTATE OR CONTINUE THE AUTHORITY GRANTED TO
2 COMMUNITY DENTAL HEALTH COORDINATORS UNDER SUBSECTION (5) AFTER
3 THAT AUTHORITY HAS EXPIRED UNDER THIS SUBSECTION.

4 (7) ~~(5)~~—As used in this section:

5 (A) "COMMUNITY DENTAL HEALTH COORDINATOR" MEANS AN INDIVIDUAL
6 EMPLOYED BY A FEDERALLY QUALIFIED HEALTH CENTER, THE INDIAN HEALTH
7 SERVICE, A STATE OR COUNTY HEALTH CLINIC, OR A DENTIST LICENSED
8 UNDER THIS ARTICLE WHO HAS SATISFACTORILY COMPLETED A TRAINING
9 PROGRAM ACCREDITED BY THE AMERICAN DENTAL ASSOCIATION'S WORKFORCE
10 MODELS NATIONAL COORDINATING AND DEVELOPMENT COMMITTEE AND THE
11 AMERICAN DENTAL ASSOCIATION'S CURRICULUM COMMITTEE.

12 (B) ~~(a)~~—"Nursing home" means that term as defined under
13 section 20109.

14 (C) ~~(b)~~—"School" means a public or private elementary or
15 secondary institution of learning for any grade from kindergarten
16 to 12.

17 (D) ~~(c)~~—"Supervision" means the overseeing of or participation
18 in the work of any other individual by a health professional
19 licensed under this article in circumstances in which 1 or more of
20 the following exist:

21 (i) The continuous availability of direct communication in
22 person or by radio, telephone, or telecommunication between the
23 supervised individual and a licensed health professional.

24 (ii) The availability of a licensed health professional on a
25 regularly scheduled basis to review the practice of the supervised
26 individual, to provide consultation to the supervised individual,
27 to review records, and to further educate the supervised individual

1 in the performance of the individual's functions.

2 (iii) The provision by the licensed supervising health
3 professional of predetermined procedures and drug protocol.