

By: Representative Felsher

To: Public Health and Human Services

HOUSE BILL NO. 334

1 AN ACT TO AMEND SECTION 73-9-5, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE DENTAL HYGIENISTS TO WORK UNDER THE GENERAL SUPERVISION
3 OF A DENTIST IN LICENSED NURSING HOMES UNDER CERTAIN CIRCUMSTANCES
4 AFTER MEETING CERTAIN REQUIREMENTS; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 73-9-5, Mississippi Code of 1972, is
7 amended as follows:

8 73-9-5. (1) For the purpose of this chapter, a dental
9 hygienist shall be an individual who has completed an accredited
10 dental hygiene education program, passed the national dental
11 hygiene board and is licensed by the State Board of Dental
12 Examiners to provide, as an auxiliary to the dentist, preventive
13 care services including, but not limited to, scaling and
14 polishing. In fulfilling these services, dental hygienists
15 provide treatment that helps to prevent oral disease such as
16 dental caries and periodontal disease and for educating patients
17 in prevention of these and other dental problems.

18 (2) The work of dental hygienists and dental assistants
19 while working in the office of a regularly licensed and registered



20 dentist shall at all times be under the direct supervision of the
21 dentist, except as authorized in section (4) of this section.

22 Dental hygienists in the employ of the State Board of Health or
23 public school boards shall be limited to only performing oral
24 hygiene instruction and screening when under the general
25 supervision and direction of regularly licensed and registered
26 dentists. Dental hygienists recognized by the Board of Dental
27 Examiners when making public demonstrations of dental hygiene for
28 educational purposes shall be under the general supervision and
29 direction of regularly licensed and registered dentists.

30 (3) The Board of Dental Examiners may prohibit any dental
31 hygienist or other auxiliary personnel from rendering service that
32 it feels is not in the best interest of the public welfare.

33 (4) (a) Notwithstanding the requirement in subsection (2)
34 of this section for dental hygienists to work under the direct
35 supervision of a dentist, a dental hygienist may work under the
36 general supervision of a dentist in a licensed nursing home as
37 defined Section 73-17-5 or an institution for the aged or infirm
38 as defined in Section 43-11-1, hereinafter referred to
39 collectively as "nursing homes," if:

40 (i) The dental hygienist has at least four (4)
41 years of full-time practice of dental hygiene;

42 (ii) The dental hygienist is supervised by a
43 Mississippi licensed dentist;



44 (iii) The dental hygienist has taken six (6) hours
45 of continuing education on medical emergencies within the last two
46 (2) years or during the hygienist's last preceding licensure
47 cycle;

48 (iv) The dental hygienist has current CPR
49 certification;

50 (v) The supervising dentist has examined the
51 patient before work is done by the dental hygienist and
52 subsequently the patient is examined by the supervising dentist at
53 least in nine-month intervals; and

54 (vi) The dental hygienist complies with emergency
55 protocols established by the supervising dentist and by the
56 nursing home.

57 (b) A dental hygienist who qualifies under this
58 subsection (4) will have no limit on the number of days that the
59 hygienist may work under the general supervision of a dentist in a
60 nursing home, but must adhere to all of the other restrictions and
61 requirements set forth in this chapter or by the Board of Dental
62 Examiners pertaining to dental hygienists.

63 (c) For purposes of this subsection (4), a dental
64 hygienist practicing under the general supervision of a dentist in
65 a nursing home may only perform the following functions under
66 general supervision:

67 (i) Oral prophylaxis and assessment;

68 (ii) Fluoride treatment;



69 (iii) Silver diamine fluoride treatment; and

70 (iv) Oral hygiene instruction and education.

71 (d) A dentist may supervise a maximum of six (6) dental
72 hygienists working at a nursing home as allowed under this
73 subsection (4).

74 (e) A Mississippi licensed dentist shall examine,
75 diagnose, and create a treatment plan for a patient before a
76 dental hygienist may perform services under general supervision in
77 a nursing home. The dental hygienist shall notify the supervising
78 dentist of any emergent condition encountered during treatment and
79 note the emergent condition on the patient's file. This paragraph
80 (e) paragraph shall not be construed to allow a dental hygienist
81 to diagnose a patient's condition.

82 **SECTION 2.** This act shall take effect and be in force from
83 and after July 1, 2024.

