DELEGATION OF DUTIES TO DENTAL AUXILIARY PERSONNEL

Purpose: Pursuant to the provisions of Miss. Code Ann. §§ 73-9-3(i), 73-9-5(2), and 73-9-13, to define the type of supervision required for dental auxiliaries and to further determine procedures which require the professional judgment and skill of a dentist and which, as such, may not be delegated to auxiliary personnel.

1. Supervision of Dental Auxiliaries

Miss. Code Ann. §§ 73-9-3(i) and 73-9-5(2) address areas of supervision of dental auxiliaries, and the following definitions apply to the supervision of dental auxiliaries: Rule 1.13 BOARD REGULATION NUMBER 13--SUPERVISION AND

A. Direct Supervision: Miss. Code Ann. §§ 73-9-3(i) and 73-9-5(2) state that the work of dental auxiliaries shall at all times be under the direct supervision of a licensed Mississippi dentist. This level of supervision requires that a dentist be physically present in the dental office or treatment facility, personally diagnose the condition to be treated, authorize the procedures to be performed, remain in the dental office or treatment facility while the procedures are being performed by the auxiliary, and evaluate the performance of the dental auxiliary. However, a licensed dental hygienist may perform dental hygiene services, such services defined in Miss. Code Ann. § 73-9-5 with the exception of the use of Nitrous Oxide, without the necessity of a licensed dentist being present in the dental facility only upon all of the following requirements having been fulfilled:

1. The licensed dentist has examined the patient twelve (12) months prior to the date the licensed dental hygienist provides dental hygiene services; and

2. The patient has been notified prior to the dental hygiene appointment that the licensed dentist will be absent from the dental facility, and that the licensed dental hygienist is not allowed to diagnose the patient’s dental health care status during the patient’s dental hygiene appointment; and

3. The patient is either ASA Classification I or II; and

4. The licensed dental hygienist provides dental hygiene services to the patient in accordance with a written treatment plan developed for the patient by the licensed dentist; and

5. The licensed dental hygienist has practiced dental hygiene in the State of Mississippi a minimum of five (5) years, such five-year period having been determined by the
Board as equivalent to a minimum of six thousand (6,000) hours of dental hygiene practice; and

6. The licensed dental hygienist must complete the Supervision Registration Application for a one-time fee of $50.00 and be able to document through payroll records, employment records, or other proof that is independently verifiable the dates and hours of employment by a dentist in the practice of dental hygiene that demonstrate the required five (5) years and six thousand (6,000) hours of experience; and

7. The licensed dental hygienist fully complies with all written protocols for emergencies established by the licensed dentist; and

8. The licensed dental hygienist cannot work without the dentist in the building for no more than three (5) consecutive days and not more than sixty (60) days per year, and

9. The licensed dental hygienist provides proof of current professional liability insurance coverage to the Board.

10. An informed consent notifying the patient of the following:

   a. The dentist is not in the office.
   b. An examination will not be performed, and an exam fee will not be charged.
   c. Dental Hygienists are not allowed to diagnose dental disease.
   d. Record the date of the patient’s previous exam date.
   e. The signed informed consent form will be kept in the record.

B. General Supervision: Miss. Code Ann. § 73-9-5(2) provides for a limited scope of practice for dental hygienists employed by the Mississippi State Board of Health or public school boards who may be performing oral hygiene instruction and screening or making public demonstrations of dental hygiene for educational purposes, all while under the general supervision of a licensed Mississippi dentist. For this level of supervision and for the limits imposed by Miss. Code Ann. § 73-9-5(2), a dentist is not required to be in the dental office or treatment facility when procedures are being performed, and the dentist may or may not have personally diagnosed the condition to be treated, may or may not have personally authorized the procedures, and may or may not evaluate the performance of the dental hygienist. Furthermore, dental hygienists in the employ of the Mississippi State Board of Health may apply fluoride varnishes as part of any oral hygiene instruction and screening responsibilities while under the general supervision of a licensed Mississippi dentist.
C. Recognized Dental Hygienists: Miss. Code Ann. § 73-9-5(2) provides language pertaining to dental hygienists “recognized” by the Board when making public demonstrations of dental hygiene for educational purposes and that such “recognized” dental hygienists shall be under the general supervision of licensed Mississippi dentists. Licensed Mississippi dental hygienists shall be allowed to provide demonstrations of dental hygiene for educational purposes, solely as a public service, while under the general supervision of licensed Mississippi dentists, such general supervision as heretofore defined. These dentists may, or may not, be the employing dentist for whom the dental hygienist provides dental hygiene services.

Furthermore, such public demonstrations of dental hygiene for educational purposes may consist of proper brushing and flossing techniques and be in the form of educational lectures for schools, groups, and community events, provided the purpose for which is the promotion of oral health prevention and not outside the scope of practice for dental hygienists. To be “recognized” by the Board for the aforementioned, dental hygienists must fulfill all of the following conditions:

1. The dental hygienist must hold a currently valid and renewed Mississippi dental hygiene license.

2. The dental hygienist is listed on active status with the Board.

3. The dental hygienist receives no additional compensation, monetary or otherwise, of any kind whatsoever, including, but not limited to, salary supplements, insurance proceeds, etc.

Licensed dentists providing general supervision to “recognized” dental hygienists also shall receive no additional compensation, monetary or otherwise, of any kind whatsoever, including, but not limited to, insurance proceeds, direct payments from individuals or organizations, etc. In other words, such public demonstrations of dental hygiene by “recognized” dental hygienists while under general supervision shall be performed as a not-for-profit, public service to the community and citizens of the State of Mississippi.

2. Delegation of Duties to Dental Auxiliaries

The Board has determined that the following procedures may not be delegated to dental auxiliary personnel.

A. Periodontal screening and probing, or subgingival exploration for hard and soft deposits and sulcular irrigations to dental assistants and/or dental hygienists not licensed by the State of Mississippi; may be performed by licensed Mississippi dental hygienists.

B. The use of ultrasonic and/or sonic instruments to dental assistants and/or dental hygienists not licensed by the State of Mississippi; may be performed by licensed Mississippi dental hygienists.
C. Pursuant to Miss. Code Ann. § 73-9-3, the removal of calcareous deposits with an instrument by anyone other than a licensed Mississippi dental hygienist.

D. The Board has determined that impressions for study models, opposing models, and the construction, adjustment, and cementation of temporary crowns (temporary means crowns placed while permanent restoration is being fabricated) do not require the professional judgment and skill of a dentist and may be delegated to competent dental auxiliary personnel in accordance with § 73-9-3. It is further determined by the Board that dental auxiliaries could take all Final