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**By: Senator Hollinger**

Introduced and read first time: January 24, 1996

Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 20, 1996

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **State Board of Dental Examiners - Dentist Rehabilitation Committee - Funding**

3 FOR the purpose of requiring the State Board of Dental Examiners to use certain fees  
4 set, collected, and distributed to the State Board of Dental Examiners Fund to fund  
5 the budget of a dentist rehabilitation committee under certain circumstances; and  
6 defining a certain term.

7 BY repealing and reenacting, with amendments,  
8 Article - Health Occupations  
9 Section 4-207 and 4-501  
10 Annotated Code of Maryland  
11 (1994 Replacement Volume and 1995 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Health Occupations**

15 4-207.

16 (a) There is a State Board of Dental Examiners Fund.

17 (b) (1) The Board may set reasonable fees for the issuance and renewal of  
18 licenses and its other services.

19 (2) The fees charged shall be set so as to approximate the cost of  
20 maintaining the Board.

21 (3) Funds to cover the compensation and expenses of the Board members  
22 shall be generated by fees set under this section.

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1 (c) (1) The Board shall pay all funds collected under this title to the  
2 Comptroller of the State.

3 (2) The Comptroller shall distribute the fees to the State Board of Dental  
4 Examiners Fund.

5 (d) (1) The Fund shall be used to cover the actual documented direct and  
6 indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by  
7 the provisions of this article.

8 (2) The Fund is a continuing nonlapsing fund, not subject to § 7-302 of the  
9 State Finance and Procurement Article.

10 (3) Any unspent portions of the Fund may not be transferred or revert to  
11 the General Fund of the State, but shall remain in the fund to be used for the purposes  
12 specified in this article.

13 (4) No other State money may be used to support the Fund.

14 (E) (1) IN ADDITION TO THE PROVISIONS OF SUBSECTION (D) OF THIS  
15 SECTION, THE BOARD SHALL FUND THE BUDGET OF A DENTIST REHABILITATION  
16 COMMITTEE, AS DEFINED IN § 4-501 OF THIS TITLE, WITH FEES SET, COLLECTED, AND  
17 DISTRIBUTED TO THE FUND UNDER THIS TITLE.

18 (2) AFTER REVIEW AND APPROVAL BY THE BOARD OF A BUDGET  
19 SUBMITTED BY A DENTIST REHABILITATION COMMITTEE, THE BOARD MAY  
20 ALLOCATE MONIES FROM THE FUND TO THE DENTIST REHABILITATION  
21 COMMITTEE.

22 [(e)] (F) (1) A designee of the Board shall administer the Fund.

23 (2) Moneys in the Fund may be expended only for any lawful purpose  
24 authorized under the provisions of this article.

25 [(f)] (G) The Legislative Auditor shall audit the accounts and transactions of the  
26 Fund as provided in § 2-1215 of the State Government Article.

27 4-501.

28 (a) (1) In this section the following words have the meanings indicated.

29 (2) "Dental review committee" means a committee or board that:

30 (i) Is within one of the categories described in subsection (b) of this  
31 section; and

32 (ii) Performs any of the functions listed in subsection (c) of this  
33 section.

34 (3) "DENTAL REHABILITATION COMMITTEE" MEANS A DENTAL REVIEW  
35 COMMITTEE THAT PERFORMS ANY OF THE FUNCTIONS DESCRIBED IN SUBSECTION  
36 (C)(5) OF THIS SECTION.

37 [(3)] (4) "Provider of dental care" means any person who is licensed by law  
38 to provide dental care to individuals.

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1 (b) For purposes of this section, a dental review committee is:

2 (1) A regulatory board or agency established by State or federal law to  
3 license, certify, or discipline any provider of dental care;

4 (2) A committee of the Maryland State Dental Association, the Maryland  
5 Dental Society or any of their component societies, or a committee of any other  
6 professional society or association composed of providers of dental care;

7 (3) A committee of the medical staff or other committee of a hospital or  
8 related institution, if the governing board of the hospital or related institution forms and  
9 approves the committee or approves the written bylaws under which the committee  
10 operates;

11 (4) Any person, including a professional standard review organization, who  
12 contracts with an agency of this State or of the federal government to perform any of the  
13 functions listed in subsection (c) of this section; or

14 (5) Any person who contracts with a provider of dental care to perform any  
15 of those functions listed in subsection (c) of this section that are limited to the review of  
16 services provided by the provider of dental care.

17 (c) For purposes of this section, a dental review committee:

18 (1) Evaluates and seeks to improve the quality of dental care provided by  
19 providers of dental care;

20 (2) Evaluates the need for and the level of performance of dental care  
21 provided by providers of dental care;

22 (3) Evaluates the qualifications, competence, and performance of providers  
23 of dental care;

24 (4) Evaluates and acts on matters that relate to the discipline of any  
25 provider of dental care; or

26 (5) Evaluates and provides assistance to any provider of dental care in need  
27 of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or  
28 other physical, emotional, or mental condition.

29 (d) Except as otherwise provided in this section, the proceedings, records, and  
30 files of a dental review committee are not discoverable and are not admissible in evidence  
31 in any civil action arising out of matters that are being reviewed and evaluated by the  
32 dental review committee.

33 (e) Subsection (d) of this section does not apply to:

34 (1) A civil action brought by a party to the proceedings of the dental review  
35 committee who claims to be aggrieved by the decision of the dental review committee; or

36 (2) Any record or document that is considered by the dental review  
37 committee and that otherwise would be subject to discovery and introduction into  
38 evidence in a civil trial.

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1           (f) A person who acts in good faith and within the scope of jurisdiction of a  
2 dental review committee is not civilly liable for any action as a member of the dental  
3 review committee or for giving information to, participating in, or contributing to the  
4 function of the dental review committee.

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 1996.