

By: **Senator Frosh**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2003

CHAPTER 237

1 AN ACT concerning

2 **Health Occupations - Dentists and Dental Hygienists - Volunteer Licenses**

3 FOR the purpose of ~~altering the name of certain licenses~~ establishing a volunteer
 4 dentist's license and a volunteer dental hygienist's license; authorizing certain
 5 dentists to qualify for a volunteer dentist's license to practice dentistry;
 6 authorizing certain dental hygienists to qualify for a volunteer dental
 7 hygienist's license to practice dental hygiene; making this Act contingent on the
 8 taking effect of another Act; and generally relating to the volunteer dentist's
 9 license and the volunteer dental hygienist's license.

10 BY repealing and reenacting, with amendments,
 11 Article - Health Occupations
 12 Section 4-101(i)(2)(vi) and (vii), ~~(j)(2)(iii)~~ (j)(2)(ii) and (iii), and ~~(k)(2)(iv)~~ (k)(2)(iii)
 13 and (iv), ~~4-302(i) and (j)~~, 4-304(c) and (e), and 4-308(c) and (f)
 14 Annotated Code of Maryland
 15 (2000 Replacement Volume and 2002 Supplement)

16 BY adding to
 17 Article - Health Occupations
 18 Section 4-101(i)(2)(viii) and (ix), (j)(2)(iv), and (k)(2)(v) and 4-302(k) and (l)
 19 Annotated Code of Maryland
 20 (2000 Replacement Volume and 2002 Supplement)

21 BY repealing and reenacting, without amendments,
 22 Article - Health Occupations
 23 Section 4-302(a) through ~~(h)~~ (e)

1 Annotated Code of Maryland
2 (2000 Replacement Volume and 2002 Supplement)

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

5 **Article - Health Occupations**

6 4-101.

7 (i) (2) "License" includes, unless the context requires otherwise:

8 (vi) A ~~retired~~ volunteer dentist's license to practice dentistry; ~~and~~

9 (vii) A ~~retired~~ volunteer dental hygienist's license to practice
10 dental hygiene;

11 (VIII) A VOLUNTEER DENTIST'S LICENSE TO PRACTICE DENTISTRY;
12 AND

13 (IX) A VOLUNTEER DENTAL HYGIENIST'S LICENSE TO PRACTICE
14 DENTAL HYGIENE.

15 (j) (2) "Licensed dental hygienist" includes, unless the context requires
16 otherwise, a holder of:

17 (ii) A teacher's license to practice dental hygiene; [or]

18 (iii) A ~~retired~~ volunteer dental hygienist's license to practice
19 dental hygiene; OR

20 (IV) A VOLUNTEER DENTAL HYGIENIST'S LICENSE TO PRACTICE
21 DENTAL HYGIENE.

22 (k) (2) "Licensed dentist" includes, unless the context requires otherwise, a
23 holder of:

24 (iii) A teacher's license to practice dentistry; [or]

25 (iv) A ~~retired~~ volunteer dentist's license to practice dentistry; OR

26 (V) A VOLUNTEER DENTIST'S LICENSE TO PRACTICE DENTISTRY.

27 4-302.

28 (a) Except as otherwise provided in this title, to qualify for a license, an
29 applicant shall be an individual who meets the requirements of this section.

30 (b) The applicant shall be of good moral character.

1 (c) To qualify for a license to practice dentistry, the applicant shall be at least
2 18 years old.

3 (d) To qualify for a license to practice dentistry, the applicant shall hold a
4 Degree of Doctor of Dental Surgery, Doctor of Dental Medicine, or the equivalent,
5 from a college or university that is:

6 (1) Authorized by any state or any province of Canada to grant the
7 degree; and

8 (2) Recognized by the Board as requiring adequate preprofessional
9 collegiate training and as maintaining an acceptable course of dental instruction.

10 (e) To qualify for a license to practice dental hygiene, the applicant shall be a
11 graduate of a school for dental hygienists that:

12 (1) Requires at least 2 years of education in an institution of higher
13 education;

14 (2) Is accredited by the American Dental Association Commission on
15 Dental Accreditation; and

16 (3) Is approved by the Board.

17 ~~(f) (1) Unless the examination requirement is waived under § 4-306 or §~~
18 ~~4-310 of this subtitle, to qualify for a general license to practice dentistry or a general~~
19 ~~license to practice dental hygiene, the applicant shall pass an examination given by~~
20 ~~the Board under this subtitle.~~

21 ~~(2) An examination is not required for a teacher's license to practice~~
22 ~~dentistry, a limited license to practice dentistry, or a teacher's license to practice~~
23 ~~dental hygiene.~~

24 ~~(g) In addition to the requirements of subsections (a), (b), (c), and (d) of this~~
25 ~~section, to qualify for a teacher's license to practice dentistry, the applicant shall:~~

26 ~~(1) Be licensed to practice dentistry in any other state;~~

27 ~~(2) Have been active in the dental profession for at least 5 years;~~

28 ~~(3) Be a full-time faculty member at a college or university where the~~
29 ~~applicant teaches a subject required by the dental school of that college or university;~~
30 ~~and~~

31 ~~(4) If the applicant is engaged in a teaching area that is designated as a~~
32 ~~specialty by the American Dental Association, meet the requirements established by~~
33 ~~the American Dental Association for that specialty.~~

34 ~~(h) In addition to the requirements of subsections (a), (b), and (e) of this~~
35 ~~section, to qualify for a teacher's license to practice dental hygiene, the applicant~~
36 ~~shall:~~

1 (1) Be licensed to practice dental hygiene in any other state;

2 (2) Have been active as a dental hygienist for at least 5 years before
3 applying for the teacher's license to practice dental hygiene; and

4 (3) Be a full-time faculty member at a dental school where the applicant
5 teaches a subject required by that school.

6 (i) In addition to the requirements of subsections (a), (b), (c), and (d) of this
7 section, to qualify for a [retired] volunteer dentist's license to practice dentistry, the
8 applicant shall ~~PROVIDE DENTAL SERVICES IN THE MANNER DESCRIBED IN § 4-308(C)~~
9 ~~OF THIS SUBTITLE AND SHALL:~~

10 (1) Have had a general license to practice dentistry issued under this
11 title within the last 2 years AND [;

12 (2) Complete] COMPLETE the continuing education requirements that
13 the Board establishes for a general license; [and] OR

14 (2) ~~HOLD AN ACTIVE LICENSE TO PRACTICE DENTISTRY IN ANOTHER~~
15 ~~STATE OR IN THE DISTRICT OF COLUMBIA.~~

16 ~~[(3) Provide dental services as required under § 4-308(e) of this subtitle.]~~

17 (j) In addition to the requirements of subsections (a), (b), and (e) of this
18 section, to qualify for a [retired] dental hygienist's license to practice dental hygiene,
19 the applicant shall ~~PROVIDE DENTAL HYGIENE SERVICES IN THE MANNER~~
20 ~~DESCRIBED IN § 4-308(F) OF THIS SUBTITLE AND SHALL:~~

21 (1) Have had a general license to practice dental hygiene under this title
22 within the last 2 years AND[;

23 (2) Complete] COMPLETE the continuing education requirements that
24 the Board establishes for a general license; [and] OR

25 (2) ~~HOLD AN ACTIVE LICENSE TO PRACTICE DENTAL HYGIENE IN~~
26 ~~ANOTHER STATE OR IN THE DISTRICT OF COLUMBIA.~~

27 ~~[(3) Provide dental hygiene services as required under § 4-308(f) of this~~
28 ~~subtitle.]~~

29 (K) IN ADDITION TO THE REQUIREMENTS OF SUBSECTIONS (A), (B), (C), AND (D)
30 OF THIS SECTION, TO QUALIFY FOR A VOLUNTEER DENTIST'S LICENSE TO PRACTICE
31 DENTISTRY, THE APPLICANT SHALL:

32 (1) SATISFY THE REQUIREMENTS OF § 4-306(B)(1) AND (D)(2) OF THIS
33 SUBTITLE;

34 (2) HOLD AN ACTIVE LICENSE TO PRACTICE DENTISTRY IN ANOTHER
35 STATE OR IN THE DISTRICT OF COLUMBIA;

1 (3) COMPLETE THE CONTINUING EDUCATION REQUIREMENTS THAT
2 THE BOARD ESTABLISHES FOR A GENERAL LICENSE;

3 (4) PROVIDE DENTAL SERVICES EXCLUSIVELY IN THE MANNER
4 DESCRIBED IN § 4-308(C) OF THIS SUBTITLE; AND

5 (5) IMMEDIATELY UPON CEASING TO PROVIDE SERVICES EXCLUSIVELY
6 IN THE MANNER DESCRIBED IN § 4-308(C), SURRENDER THE VOLUNTEER LICENSE TO
7 THE BOARD.

8 (L) IN ADDITION TO THE REQUIREMENTS OF SUBSECTIONS (A), (B), (C), AND (E)
9 OF THIS SECTION, TO QUALIFY FOR A VOLUNTEER DENTAL HYGIENIST'S LICENSE TO
10 PRACTICE DENTAL HYGIENE, AN APPLICANT SHALL:

11 (1) SATISFY THE REQUIREMENTS OF § 4-306(B)(2) AND (E)(2) OF THIS
12 SUBTITLE;

13 (2) HOLD AN ACTIVE LICENSE TO PRACTICE DENTAL HYGIENE IN
14 ANOTHER STATE OR IN THE DISTRICT OF COLUMBIA;

15 (3) COMPLETE THE CONTINUING EDUCATION REQUIREMENTS THAT
16 THE BOARD ESTABLISHES FOR A GENERAL LICENSE;

17 (4) PROVIDE DENTAL HYGIENE SERVICES EXCLUSIVELY IN THE
18 MANNER DESCRIBED IN § 4-308(F) OF THIS SUBTITLE; AND

19 (5) IMMEDIATELY UPON CEASING TO PROVIDE SERVICES EXCLUSIVELY
20 IN THE MANNER DESCRIBED IN § 4-308(F), SURRENDER THE VOLUNTEER LICENSE TO
21 THE BOARD.

22 4-304.

23 (c) To apply for a {retired} volunteer dentist's license OR A VOLUNTEER
24 DENTIST'S LICENSE to practice dentistry, an applicant:

25 (1) Shall submit an application to the Board on the form that the Board
26 requires; and

27 (2) May not be required to pay an application fee.

28 (e) To apply for a {retired} volunteer dental hygienist's license OR A
29 VOLUNTEER DENTAL HYGIENIST'S LICENSE to practice dental hygiene, an applicant:

30 (1) Shall submit an application to the Board on the form that the Board
31 requires; and

32 (2) May not be required to pay an application fee.

1 4-308.

2 (c) While it is effective, a {retired} volunteer dentist's license OR A
3 VOLUNTEER DENTIST'S LICENSE to practice dentistry issued under this title
4 authorizes the licensee to practice dentistry:

5 (1) Only in a dental office, dental clinic, ambulatory care facility, or
6 hospital;

7 (2) Only for an entity providing medical care to the poor, elderly, or
8 handicapped that is operated by:

9 (i) The State or a local government;

10 (ii) A bona fide charitable organization; or

11 (iii) Any other entity authorized under regulations adopted by the
12 Board;

13 (3) If the dentist signs a written statement agreeing to donate at least
14 100 hours of dental services without compensation in a facility that satisfies the
15 requirements of subsections (d)(1) and (2) of this section;

16 (4) If the dentist provides documentation as required by the Board which
17 evidences that the licensee is covered by malpractice insurance; and

18 (5) If the dentist does not otherwise practice dentistry for profit IN
19 MARYLAND.

20 (f) While it is effective, a {retired} volunteer dental hygienist's license OR A
21 VOLUNTEER HYGIENIST'S LICENSE to practice dental hygiene issued under this title
22 authorizes the licensee to practice dental hygiene:

23 (1) Only in a dental office, dental clinic, ambulatory care facility, or
24 hospital;

25 (2) Only for an entity providing medical care to the poor, elderly, or
26 handicapped that is operated by:

27 (i) The State or a local government;

28 (ii) A bona fide charitable organization; or

29 (iii) Any other entity authorized under regulations adopted by the
30 Board;

31 (3) If the dental hygienist signs a written statement agreeing to donate
32 at least 100 hours of dental hygiene services without compensation in a facility that
33 satisfies the requirements of subsection (g)(1) and (2) of this section;

1 (4) If the dental hygienist provides documentation as required by the
2 Board which evidences that the licensee is covered by malpractice insurance; and

3 (5) If the dental hygienist does not otherwise practice dental hygiene for
4 profit IN MARYLAND.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
6 effect October 1, 2003 contingent on the taking effect of Chapter (S.B. 414/H.B.
7 334) of the Acts of the General Assembly of 2003, and if Chapter does not become
8 effective, this Act shall be null and void without the necessity of further action by the
9 General Assembly.