
By: ~~Delegate Morhaim~~ Delegates Morhaim, Hurson, Hammen, Benson,
Boteler, Boutin, Bromwell, Costa, Donoghue, Elliott, Goldwater,
Hubbard, Kach, Mandel, McDonough, Murray, Nathan-Pulliam, Oaks,
Pendergrass, Rosenberg, Rudolph, Smigiel, V. Turner, and Weldon

Introduced and read first time: February 3, 2004
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 24, 2004

CHAPTER 357

1 AN ACT concerning

2 **State Board of Dental Examiners - Regulation of ~~Conscious Sedation~~ -**
3 **Issuance of Permits**

4 FOR the purpose of ~~broadering~~ altering the authority of the State Board of Dental
5 Examiners to adopt certain regulations relating to a certain form of sedation;
6 prohibiting the Board, ~~in regulating the issuance of certain permits to a facility~~
7 ~~or dentist, to adopt regulations concerning the administration of nitrous oxide~~
8 ~~and certain medications under certain circumstances~~ from requiring certain
9 facilities or certain dentists to obtain certain permits under certain
10 circumstances; requiring the Board to develop and draft certain regulations only
11 after having convened and consulted with a certain committee consisting of
12 certain representatives; requiring the Board to hold a certain number of public
13 hearings regarding the proposed adoption of certain regulations; requiring the
14 publication of the date of certain hearings in the Maryland Register; and
15 generally relating to the State Board of Dental Examiners and the regulation of
16 conscious sedation regulation of sedation and the issuance of permits by the
17 State Board of Dental Examiners.

18 BY repealing and reenacting, with amendments,
19 Article - Health Occupations
20 Section 4-205
21 Annotated Code of Maryland
22 (2000 Replacement Volume and 2003 Supplement)

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

3 **Article - Health Occupations**

4 4-205.

5 (a) In addition to the powers set forth elsewhere in this title, the Board may:

6 (1) ~~{Adopt} NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B)~~
7 ~~OF THIS SECTION, ADOPT~~ regulations governing:

8 (i) The administration of general anesthesia by a licensed dentist;

9 (ii) The administration of [parenteral] ~~CONSCIOUS~~ sedation by a
10 licensed dentist;

11 (iii) The use of a dental assistant by a licensed dentist in performing
12 intraoral procedures;

13 (iv) ~~The~~ SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE
14 issuance of a permit to a facility not otherwise regulated where a dentist administers
15 or has general anesthesia or [parenteral] ~~CONSCIOUS~~ sedation administered;

16 (v) ~~The~~ SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE
17 issuance of a permit to a dentist who administers or has general anesthesia or
18 [parenteral] ~~CONSCIOUS~~ sedation administered;

19 (vi) Reasonable requirements for the training and evaluation of a
20 dentist before the dentist may administer general anesthesia or [parenteral]
21 ~~CONSCIOUS~~ sedation OTHER THAN NITROUS OXIDE ADMINISTERED ALONE AND NOT
22 IN CONJUNCTION WITH OTHER METHODS OF DIMINISHING OR ELIMINATING PAIN
23 OR WITH MEDICATION USED FOR DIMINISHING OR ELIMINATING ANXIETY; WITH:

24 1. ANOTHER METHOD OF DIMINISHING OR ELIMINATING
25 PAIN; OR

26 2. MEDICATION USED FOR DIMINISHING OR ELIMINATING
27 ANXIETY;

28 (vii) The discipline of a holder of any facility or administration
29 permit for the administration of general anesthesia or [parenteral] ~~CONSCIOUS~~
30 sedation; and

31 (viii) The release of patient dental records;

32 (2) After consulting with the State Board of Pharmacy, adopt regulations
33 regarding the dispensing of prescription drugs by a licensed dentist;

1 (3) On receipt of a written and signed complaint, investigate an alleged
2 violation of this title;

3 (4) After consulting with the Maryland Dental Hygienists' Association,
4 adopt regulations establishing continuing education requirements for licensed dental
5 hygienists;

6 (5) Adopt regulations establishing continuing education requirements
7 for licensed dentists;

8 (6) On receipt of a written and signed complaint, including a referral
9 from the Commissioner of Labor and Industry, conduct an unannounced inspection of
10 the office of a dentist, other than an office of a dentist in a hospital, related
11 institution, freestanding medical facility, or a freestanding birthing center, to
12 determine compliance at that office with the Centers for Disease Control's guidelines
13 on universal precautions; and

14 (7) Establish committees from among its members to facilitate and
15 assist the Board in discharging its duties and responsibilities under this title by
16 evaluating, reviewing, and making recommendation to the Board on matters referred
17 to the committees by the Board. The committees established shall include, but may
18 not be limited to:

19 (i) A nominations committee;

20 (ii) A regulations committee;

21 (iii) A committee on dental hygiene composed of 3 dental hygienists,
22 1 dentist, and 1 consumer to which the Board shall refer all matters within the
23 Board's jurisdiction under this title relating to or affecting the practice of dental
24 hygiene for the committee's evaluation, review, and recommendation;

25 (iv) A disciplinary committee; and

26 (v) Such other committees as the Board considers appropriate.

27 ~~(B) REGULATIONS ADOPTED BY THE BOARD TO GOVERN THE ISSUANCE OF A~~
28 ~~PERMIT TO A FACILITY OR TO A DENTIST MAY NOT REGULATE:~~

29 ~~(1) THE ADMINISTRATION OF NITROUS OXIDE WHEN THE NITROUS~~
30 ~~OXIDE IS NOT ADMINISTERED IN CONJUNCTION WITH ANY OTHER METHOD OF~~
31 ~~DIMINISHING OR ELIMINATING PAIN OR MEDICATION USED FOR DIMINISHING OR~~
32 ~~ELIMINATING ANXIETY; OR~~

33 ~~(2) THE PRESCRIPTION OR ADMINISTRATION OF MEDICATION TO A~~
34 ~~PATIENT WITHIN THE MAXIMUM RECOMMENDED DOSAGE FOR THAT PATIENT FOR~~
35 ~~THE SOLE PURPOSE OF DIMINISHING OR ELIMINATING ANXIETY WHEN THE~~
36 ~~MEDICATION IS NOT PRESCRIBED IN CONJUNCTION WITH THE ADMINISTRATION OF~~
37 ~~NITROUS OXIDE OR ANY OTHER METHOD OF DIMINISHING OR ELIMINATING PAIN.~~

1 (B) THE BOARD MAY NOT REQUIRE A FACILITY OR A DENTIST TO OBTAIN A
 2 PERMIT IF A DENTIST:

3 (1) ADMINISTERS NITROUS OXIDE THAT IS NOT ADMINISTERED IN
 4 CONJUNCTION WITH:

5 (I) ANOTHER METHOD OF DIMINISHING OR ELIMINATING PAIN; OR

6 (II) MEDICATION USED FOR DIMINISHING OR ELIMINATING
 7 ANXIETY; OR

8 (2) PRESCRIBES OR ADMINISTERS ORAL MEDICATION TO A PATIENT
 9 WITHIN THE MAXIMUM RECOMMENDED DOSAGE FOR THAT PATIENT FOR THE SOLE
 10 PURPOSE OF DIMINISHING OR ELIMINATING ANXIETY THAT IS NOT PRESCRIBED IN
 11 CONJUNCTION WITH:

12 (I) ANOTHER METHOD OF DIMINISHING OR ELIMINATING PAIN; OR

13 (II) THE ADMINISTRATION OF NITROUS OXIDE.

14 [(b)] (C) In addition to the duties set forth elsewhere in this title, the Board
 15 shall:

16 (1) Keep a record of each license and each action taken under § 4-315 of
 17 this title;

18 (2) Have an official seal; and

19 (3) Adopt rules, regulations, and bylaws as may be necessary to carry out
 20 the provisions of this title.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of
 22 Dental Examiners shall develop and draft regulations concerning the administration
 23 of sedation in accordance with this Act only after having convened and consulted with
 24 a committee consisting of representatives of:

25 (1) the Board;

26 (2) pediatric dentistry;

27 (3) periodontal dentistry;

28 (4) oral and maxillofacial surgery;

29 (5) general dentistry; and

30 (6) any other dental specialty that would be impacted by the regulation
 31 of sedation.

32 SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of
 33 Dental Examiners shall hold one or more public hearings regarding any regulations

1 proposed in accordance with Section 2 of this Act. The Board shall publish the date of
2 any hearing held in accordance with this section in the Maryland Register.

3 SECTION ~~2.~~4. AND BE IT FURTHER ENACTED, That this Act shall take
4 effect October 1, 2004.