

# HOUSE BILL 934

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HB 697/05 – HGO

71r3013

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By: **Delegate Hubbard**

Introduced and read first time: February 9, 2007

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Dental Examiners – Committee on Dental Hygiene –**  
3 **Recommendations**

4 FOR the purpose of requiring the State Board of Dental Examiners to implement  
5 certain recommendations made by a committee on dental hygiene to the Board  
6 unless the Board makes certain findings or a certain number of members vote to  
7 overturn the recommendations; and generally relating to recommendations  
8 made by a committee on dental hygiene to the State Board of Dental  
9 Examiners.

10 BY repealing and reenacting, with amendments,  
11 Article – Health Occupations  
12 Section 4–205  
13 Annotated Code of Maryland  
14 (2005 Replacement Volume and 2006 Supplement)

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

17 **Article – Health Occupations**

18 4–205.

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

20 (1) Adopt regulations governing:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (ii) The administration of sedation by a licensed dentist;

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

6 (iv) Subject to subsection (b) of this section, the issuance of a  
7 permit to a facility not otherwise regulated where a dentist administers or has general  
8 anesthesia or sedation administered;

9 (v) Subject to subsection (b) of this section, the issuance of a  
10 permit to a dentist who administers or has general anesthesia or sedation  
11 administered;

12 (vi) Reasonable requirements for the training and evaluation of  
13 a dentist before the dentist may administer general anesthesia or sedation other than  
14 nitrous oxide administered alone and not in conjunction with:

15 1. Another method of diminishing or eliminating pain; or

16 2. Medication used for diminishing or eliminating  
17 anxiety;

18 (vii) The discipline of a holder of any facility or administration  
19 permit for the administration of general anesthesia or sedation; and

20 (viii) The release of patient dental records;

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

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

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

28 (5) Adopt regulations establishing continuing education requirements  
29 for licensed dentists;

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

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

12                   (i) A nominations committee;

13                   (ii) A regulations committee;

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

18                   (iv)] A disciplinary committee; and

19                   [(v)] (IV) Such other committees as the Board considers  
20 appropriate.

21           **(B) (1) THE BOARD SHALL ESTABLISH A COMMITTEE ON DENTAL**  
22 **HYGIENE COMPOSED OF FOUR DENTAL HYGIENISTS, TWO DENTISTS, AND ONE**  
23 **CONSUMER TO WHICH THE BOARD SHALL REFER ALL MATTERS WITHIN THE**  
24 **BOARD'S JURISDICTION UNDER THIS TITLE RELATING TO OR AFFECTING THE**  
25 **PRACTICE OR REGULATION OF DENTAL HYGIENE FOR THE COMMITTEE'S**  
26 **EVALUATION, REVIEW, AND RECOMMENDATION.**

27           **(2) IF THE COMMITTEE MAKES A RECOMMENDATION TO THE**  
28 **BOARD, THE BOARD SHALL IMPLEMENT THE RECOMMENDATION UNLESS:**

29                   **(I) THE BOARD FINDS THAT THE RECOMMENDATION HAS**  
30 **AN UNDUE FINANCIAL IMPACT ON THE BOARD;**

1                   **(II) THE BOARD FINDS THAT THE RECOMMENDATION IS**  
2 **UNSUPPORTED BY THE EVIDENCE IN THE COMMITTEE RECORD; OR**

3                   **(III) 10 MEMBERS OF THE BOARD VOTE TO OVERTURN THE**  
4 **RECOMMENDATION.**

5           **[(b)] (C)** The Board may not require a facility or a dentist to obtain a permit  
6 if a dentist:

7                   (1) Administers nitrous oxide that is not administered in conjunction  
8 with:

9                           (i) Another method of diminishing or eliminating pain; or

10                           (ii) Medication used for diminishing or eliminating anxiety; or

11                   (2) Prescribes or administers oral medication to a patient within the  
12 maximum recommended dosage for that patient for the sole purpose of diminishing or  
13 eliminating anxiety that is not prescribed in conjunction with:

14                           (i) Another method of diminishing or eliminating pain; or

15                           (ii) The administration of nitrous oxide.

16           **[(c)] (D)** In addition to the duties set forth elsewhere in this title, the Board  
17 shall:

18                   (1) Keep a record of each license and each action taken under § 4–315  
19 of this title;

20                   (2) Have an official seal; and

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

23           **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect  
24 October 1, 2007.