

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 491 (Delegate Bromwell, *et al.*)
Health and Government Operations

**Health Occupations - Temporary Volunteer Dentist's License, Temporary
Volunteer Dental Hygienist's License, and Temporary Dental Clinic Permit**

This bill creates a temporary volunteer dentist license, a temporary volunteer dental hygienist license, and a temporary dental clinic permit to be awarded by the State Board of Dental Examiners. A temporary volunteer dental hygienist licensee must practice under the general supervision of a dentist. Applicants for a temporary volunteer license or temporary dental clinic permit may not be required to pay an application fee. The board may enter and inspect a temporary dental clinic and conduct an investigation of a temporary dental clinic permit holder or temporary volunteer licensees.

The bill also specifies the amount of clinical practice required for a reciprocal license if a dentist or dental hygienist has not passed a regional board examination.

The bill takes effect July 1, 2011.

Fiscal Summary

State Effect: No impact on special fund revenues for the State Board of Dental Examiners as the bill prohibits the board from imposing application fees. Issuance of licenses and permits can be handled within existing budgeted resources.

Local Effect: Local governments and local health departments can notify the board as required under the bill using existing budgeted resources.

Small Business Effect: None.

Analysis

Bill Summary: To qualify for a temporary volunteer license, an applicant must:

- practice only in a temporary dental clinic providing medical care to the poor, elderly, or disabled;
- hold a general, unrestricted license in another state;
- have passed the North East Board Regional Clinical Examination, or submit evidence that he or she has actively engaged in the clinical practice of dentistry for at least 850 hours on average per year in the preceding five years or the clinical practice of dental hygiene for at least 150 hours per year on average in the preceding three years;
- fulfill any requirements of the board related to the knowledge of laws and regulations in Maryland;
- provide a notarized affidavit agreeing to donate his and her services without compensation to a temporary dental clinic;
- provide proof of malpractice insurance, which may be provided by the temporary dental clinic;
- not practice for-profit dentistry or dental hygiene in Maryland; and
- provide verification of current cardiopulmonary resuscitation certification.

Temporary volunteer licensees may only provide services authorized under the Maryland Dentistry Act. A temporary volunteer license is valid only for the duration of the temporary dental clinic and may not be renewed; however, the board may issue another temporary volunteer license to a qualified applicant. The board cannot require continuing education for temporary volunteer licensees.

Temporary volunteer dentists are prohibited from administering, maintaining, or monitoring general anesthesia or sedation. A temporary volunteer dentist or a temporary dental clinic must provide patients with a summary of the services provided and instructions for recommended follow-up.

Temporary volunteer dental hygienists are prohibited from administering local anesthesia or administering, maintaining, or monitoring nitrous oxide oxygen. Temporary volunteer dental hygienist licensees may perform an assessment of dental needs and provide dental hygiene services prior to an examination by a supervising dentist.

The board must issue a temporary dental clinic permit to specified bona fide charitable organizations. The State, local governments, and local health departments are exempt from the permit requirement, but they must provide the board with at least 60 days notice

prior to providing dental services to the poor, elderly, or disabled. A temporary dental clinic permit holder must have a medical emergency plan, adequate equipment, and adequate safeguards to protect the health and safety of patients. Temporary dental clinic permits are valid only for the duration of the dental clinic and may not be renewed; however, the board may issue another temporary dental clinic permit to qualified applicants.

A dentist licensed in any other state seeking licensure in Maryland who has not passed a regional board must have been actively engaged in the *clinical practice* of dentistry for at least 850 hours on average per year in the preceding five years. A dental hygienist licensing in any other states seeking licensure in Maryland who has not passed a regional board must have been actively engaged in the *clinical practice* of dental hygiene for at least 150 hours on average per year for the preceding three years.

Current Law: Chapter 83 of 2000 created a retired volunteer dentist license and a retired volunteer dental hygienist license. To qualify for a retired volunteer dentist license or a retired volunteer dental hygienist license an applicant must (1) have had a general license to practice dentistry in the State within the last two years; (2) have completed the continuing education requirements that the board establishes for a general license; and (3) provide dental services under specified conditions. A retired volunteer licensee may only provide dental or dental hygiene services in a dental office, clinic, ambulatory care facility, or hospital for a charitable or public entity providing medical care to the poor, elderly, or disabled. The applicant must agree to donate at least 100 hours of dental services or dental hygiene services without compensation, provide proof of malpractice insurance, and not practice dentistry or dental hygiene for profit.

In addition, Chapter 237 of 2003 created a volunteer dentist license and a volunteer dental hygienist license. To qualify for a volunteer dentist license or a volunteer dental hygienist license, an applicant must (1) meet the board's requirements for the retired volunteer dentist or retired volunteer dental hygienist licenses; (2) hold an active license to practice dentistry or dental hygiene in another state or the District of Columbia; (3) complete continuing education requirements for a general dentist license or general dental hygienist license; (4) provide dental or dental hygiene services; and (5) surrender the volunteer license immediately upon ceasing to provide services. A volunteer license may only be used for volunteer services and not for compensation and must be covered by malpractice insurance.

There is no fee for volunteer licenses or retired volunteer licenses; however, individuals seeking a volunteer license must adhere to regulations surrounding the application process.

Background: The State Board of Dental Examiners advises that the creation of temporary volunteer licenses and a temporary dental clinic permit under the bill is intended to permit out-of-state dentists and dental hygienists to participate in charitable events that are held over the course of a 48-hour period without having to go through the lengthy application process associated with the current volunteer licenses. According to the board, there are currently 10 volunteer dentists in Maryland, but no retired volunteer licenses have been issued.

At least one neighboring state offers similar licenses. The Virginia Board of Dentistry issues restricted volunteer dentist and restricted volunteer dental hygienist licenses that permit out-of-state practitioners to provide free dental services to underserved populations in Virginia.

Additional Comments: SB 578/HB 354 of 2011 would also establish temporary volunteer dentist and dental hygienist licenses, as well as a temporary dental clinic permit.

Additional Information

Prior Introductions: SB 1055 of 2010 would have established a similar restricted volunteer license for dentists and dental hygienists. The bill was assigned to the Senate Rules Committee, but no further action was taken.

Cross File: SB 502 (Senator Dyson, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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