

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 887 (Senator Conway)
Education, Health, and Environmental Affairs

Health Occupations - Dentistry - Scope of Practice and Licensure Exception

This bill authorizes an individual who is not licensed as a dentist by the State Board of Dental Examiners to own, manage, or operate a dental practice by exempting specified persons who provide goods and services to, or who operate or manage, dental practices from board licensure requirements.

The bill takes effect July 1, 2015.

Fiscal Summary

State Effect: The bill does not directly affect State operations or finances.

Local Effect: The bill does not directly affect local government operations or finances.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The bill removes managers, proprietors, and conductors of or operators in any place in which a dental service or operation is performed intraorally from the definition of “practice dentistry” under the Health Occupations Article.

The State Board of Dental Examiners may not require individuals who are engaged in the following activities to be licensed by the board:

- owning real property or furnishings, equipment, or other goods that are used by a dentist or dental practice;

- leasing real property or furnishings, equipment, or other goods to a dentist or dental practice;
- managing or conducting administrative or other functions of a dental practice;
- providing goods and services to a dentist or dental practice in exchange for a percentage of revenue or profits; or
- employing or contracting with a dentist or dental practice to provide individuals to perform administrative and other services for the dentist or dental practice.

Current Law/Background: Under the Health Occupations Article, individuals must obtain a license from the State Board of Dental Examiners in order to practice dentistry. “Practice dentistry” encompasses being a manager, proprietor, or conductor of or an operator in any place in which a dental service or operation is performed intraorally.

The State Board of Dental Examiners is mandated to protect the public by regulating the practice of dentistry and dental hygiene in Maryland. Among the enumerated duties, the board issues licenses, adopts standards of practice for dentistry, investigates complaints based on alleged violations of regulations and statutes, and disciplines licensees. The board advises that there are 5,191 dentists and 3,537 dental hygienists in the State.

In 2014, the board proposed regulations that would have established that only a dentist may own, manage, conduct, operate, or be the proprietor of a dental practice. Additionally, the regulations would have specified that a person is not prohibited from providing goods or services for the support of the business of a dental practice as long as the person does not (1) provide goods or services in exchange for a percentage or share of revenue or profits of the dental practice or (2) exert authority or control over the clinical practice of dentistry. The regulations would have also specified that the following would not be considered to be exerting control over a dental practice: (1) a lease, mortgage agreement, or other arrangement regarding the use of space for dental offices, based on a nonpercentage fee reasonably related to the fair market value of the office space; or (2) agreements relating to the purchase, sale, financing, or lease of dental equipment, instruments, and supplies as long as the dentist maintained complete control over the instruments and supplies and the agreement did not include a revenue percentage fee. The regulations were ultimately not adopted.

Small Business Effect: The bill allows individuals who are not licensed dentists to serve as managers and operators of small business dental practices. Specified providers of goods and services to dental practices, including administrative personnel, are also exempt from board licensure requirements.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 16, 2015
min/jc

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