

# SENATE BILL 42

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6lr0958

(PRE-FILED)

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By: **Senator Conway**

Requested: October 23, 2015

Introduced and read first time: January 13, 2016

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 2, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Dental Examiners – Appointment of Dentist and Dental**  
3 **Hygienist Members – Advice and Consent of the Senate**

4 FOR the purpose of requiring the dentist and dental hygienist members of the State Board  
5 of Dental Examiners to be appointed with the advice and consent of the Senate,  
6 subject to a certain condition; requiring a certain balloting process to be verified by  
7 the Department of Health and Mental Hygiene; and generally relating to the  
8 appointment of the dentist and dental hygienist members of the State Board of  
9 Dental Examiners.

10 BY repealing and reenacting, without amendments,  
11 Article – Health Occupations  
12 Section 4–201 and 4–202(b)  
13 Annotated Code of Maryland  
14 (2014 Replacement Volume and 2015 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Health Occupations  
17 Section 4–202(a)  
18 Annotated Code of Maryland  
19 (2014 Replacement Volume and 2015 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



**Article – Health Occupations**

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2 4–201.

3 There is a State Board of Dental Examiners in the Department.

4 4–202.

5 (a) (1) The Board consists of 16 members.

6 (2) Of the 16 Board members:

7 (i) 9 shall be licensed dentists;

8 (ii) 4 shall be licensed dental hygienists; and

9 (iii) 3 shall be consumer members.

10 (3) (i) Subject to subsection (b)(1) of this section, the Governor shall  
11 appoint the dentist Board members, with the advice of the Secretary **AND THE ADVICE**  
12 **AND CONSENT OF THE SENATE**, from a list of names submitted to the Governor by the  
13 Board **THAT REFLECTS THE RESULTS OF THE BALLOTING PROCESS CONDUCTED**  
14 **UNDER SUBSECTION (B)(1)(II) OF THIS SECTION.**

15 (ii) The number of names on the list for one vacancy shall be at least  
16 four names, for two vacancies at least three names for each vacancy, and for three or more  
17 vacancies at least two names for each vacancy.

18 (4) (i) Subject to subsection (b)(2) of this section, the Governor shall  
19 appoint the dental hygienist Board members, with the advice of the Secretary **AND THE**  
20 **ADVICE AND CONSENT OF THE SENATE**, from a list of names submitted to the Governor  
21 by the Board **THAT REFLECTS THE RESULTS OF THE BALLOTING PROCESS**  
22 **CONDUCTED UNDER SUBSECTION (B)(2)(II) OF THIS SECTION.**

23 (ii) The number of names on the list shall be four times the number  
24 of vacancies.

25 (5) The Governor shall appoint the consumer members with the advice of  
26 the Secretary and the advice and consent of the Senate.

27 (6) To the extent practicable, the members appointed to the Board shall  
28 reasonably reflect the geographic, racial, ethnic, cultural, and gender diversity of the State.

29 (b) (1) For each licensed dentist vacancy, the Board shall:

1 (i) Send by electronic mail or regular mail a solicitation for  
2 nominations to fill the vacancy to:

- 3 1. Each dentist licensed by the Board; and
- 4 2. Each State dental organization affiliated with a national  
5 organization; and

6 (ii) Conduct a balloting process by which each dentist licensed by the  
7 State is eligible to vote to select the names of the licensed dentists to be submitted to the  
8 Governor.

9 (2) For each licensed dental hygienist vacancy, the Board shall:

10 (i) Send by electronic mail or regular mail a solicitation for  
11 nominations to fill the vacancy to:

- 12 1. Each dental hygienist licensed by the Board; and
- 13 2. Each State dental hygienist organization affiliated with a  
14 national organization; and

15 (ii) Conduct a balloting process by which each dental hygienist  
16 licensed by the State is eligible to vote to select the names of the licensed dental hygienists  
17 to be submitted to the Governor.

18 (3) The Board shall develop guidelines for the solicitation of nominations  
19 and balloting process that to the extent possible will result in the overall composition of the  
20 Board reasonably reflecting the geographic, racial, ethnic, and gender diversity of the State.

21 **(4) THE BALLOTING PROCESS CONDUCTED UNDER THIS SUBSECTION**  
22 **SHALL BE VERIFIED BY THE DEPARTMENT.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2016.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.