

HOUSE BILL 725

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7lr2527

By: ~~Delegate Cullison~~ Delegates Cullison, Angel, Barron, Bromwell, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, Metzgar, Miele, Morales, Morgan, Pena-Melnyk, Pendergrass, Platt, Rosenberg, Saab, Sample-Hughes, Szeliga, West, and K. Young ~~K. Young~~, and Mautz

Introduced and read first time: February 2, 2017

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 12, 2017

CHAPTER _____

1 AN ACT concerning

2 **State Board of Dental Examiners – Death of a Licensed Dentist – Ownership of a**
3 **Dental Practice**

4 FOR the purpose of authorizing, under certain circumstances, an heir or a personal
5 representative of a deceased licensed dentist who was the owner of a dental practice
6 to serve as an owner of the dental practice for a certain period of time; authorizing
7 the State Board of Dental Examiners to extend a certain time period under certain
8 circumstances; requiring that all patient care be provided by certain individuals and
9 in accordance with certain scopes of practice during the temporary ownership of a
10 dental practice by an heir or a representative of a deceased licensed dentist;
11 prohibiting the temporary ownership of a dental practice by an heir or a
12 representative of a deceased licensed dentist to affect the exercise of independent
13 judgment by certain licensed dentists; and generally relating to the death of a
14 licensed dentist and the ownership of the practice of the licensed dentist.

15 BY repealing and reenacting, with amendments,
16 Article – Health Occupations
17 Section 4–301
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2016 Supplement)

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.



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

3 **Article – Health Occupations**

4 4–301.

5 (a) (1) Except as otherwise provided in this title, an individual shall be
6 licensed by the Board to practice dentistry before the individual may practice dentistry on
7 a human being in this State.

8 (2) Except as otherwise provided in this title, an individual shall be
9 licensed by the Board to practice dental hygiene before the individual may practice dental
10 hygiene on a human being in this State.

11 (b) This section does not apply to:

12 (1) A student of dentistry while engaged in an educational program at an
13 approved school of dentistry;

14 (2) A student of dental hygiene while engaged in an approved educational
15 program in dental hygiene;

16 (3) A dentist while performing official duties in a federal dental service;

17 (4) An individual licensed to practice dentistry in any other state or a
18 foreign country, while the individual:

19 (i) Makes a clinical demonstration before a dental society, dental
20 convention, association of dentists, or dental college; or

21 (ii) Performs professional duties on a specific case for which the
22 individual is called into this State; [or]

23 (5) A dental assistant, if the dental assistant:

24 (i) Subject to the rules and regulations adopted by the Board,
25 performs only procedures that do not require the professional skills of a licensed dentist;
26 and

27 (ii) Performs intraoral tasks only under the direct supervision of a
28 licensed dentist who personally is present in the office area where the tasks are performed;
29 **OR**

30 **(6) AN HEIR OF A DECEASED LICENSED DENTIST OR A PERSONAL**
31 **REPRESENTATIVE OF A DECEASED LICENSED DENTIST, IF:**

1 **(I) THE DECEASED LICENSED DENTIST WAS THE OWNER OF**
2 **THE DENTAL PRACTICE;**

3 **(II) THE DECEASED LICENSED DENTIST DID NOT PROVIDE FOR**
4 **THE DISPOSITION OF THE DENTAL PRACTICE; AND**

5 **(III) THE HEIR OR THE PERSONAL REPRESENTATIVE OF THE**
6 **DECEASED LICENSED DENTIST SERVES AS THE OWNER OF THE DENTAL PRACTICE,**
7 **REGARDLESS OF WHETHER THE HEIR OR THE PERSONAL REPRESENTATIVE IS**
8 **LICENSED TO PRACTICE DENTISTRY, FOR NO LONGER THAN 1 YEAR AFTER THE**
9 **DEATH OF THE LICENSED DENTIST UNLESS THE BOARD EXTENDS THE TIME PERIOD**
10 **UNDER SUBSECTION (C)(1) OF THIS SECTION.**

11 **(C) (1) ON WRITTEN REQUEST AND GOOD CAUSE SHOWN BY THE HEIR OR**
12 **PERSONAL REPRESENTATIVE OF A DECEASED LICENSED DENTIST, INCLUDING**
13 **EVIDENCE OF A GOOD FAITH EFFORT TO SELL OR CLOSE THE DENTAL PRACTICE,**
14 **THE BOARD, IN ITS SOLE DISCRETION, MAY EXTEND THE 1-YEAR PERIOD UNDER**
15 **SUBSECTION (B)(6)(III) OF THIS SECTION FOR UP TO AN ADDITIONAL 6 MONTHS TO**
16 **ALLOW THE HEIR OR PERSONAL REPRESENTATIVE SUFFICIENT TIME TO SELL OR**
17 **OTHERWISE DISPOSE OF THE DENTAL PRACTICE.**

18 **(2) DURING THE TEMPORARY OWNERSHIP OF A DENTAL PRACTICE BY**
19 **AN HEIR OR A REPRESENTATIVE OF A DECEASED LICENSED DENTIST UNDER**
20 **SUBSECTION (B)(6)(III) OF THIS SECTION AND, IF APPLICABLE, PARAGRAPH (1) OF**
21 **THIS SUBSECTION, ALL PATIENT CARE SHALL BE PROVIDED:**

22 **(I) BY AN APPROPRIATE INDIVIDUAL WHO IS LICENSED UNDER**
23 **THIS TITLE; AND**

24 **(II) IN ACCORDANCE WITH THE INDIVIDUAL'S SCOPE OF**
25 **PRACTICE.**

26 **(3) THE TEMPORARY OWNERSHIP OF A DENTAL PRACTICE BY AN HEIR**
27 **OR A PERSONAL REPRESENTATIVE OF A DECEASED LICENSED DENTIST UNDER THIS**
28 **SUBSECTION MAY NOT AFFECT THE EXERCISE OF THE INDEPENDENT JUDGMENT OF**
29 **A LICENSED DENTIST WHO PROVIDES CARE TO PATIENTS OF THE DENTAL PRACTICE.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
31 1, 2017.