J2 7lr2527

By: Delegate Cullison

Introduced and read first time: February 2, 2017 Assigned to: Health and Government Operations

A BILL ENTITLED

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1	AN	ACT	concerning

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State Board of Dental Examiners – Death of a Licensed Dentist – Ownership of a 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 dental practice by an heir or a representative of a deceased licensed dentist; 10 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)
- 20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 21 That the Laws of Maryland read as follows:

Article – Health Occupations

23 4-301.

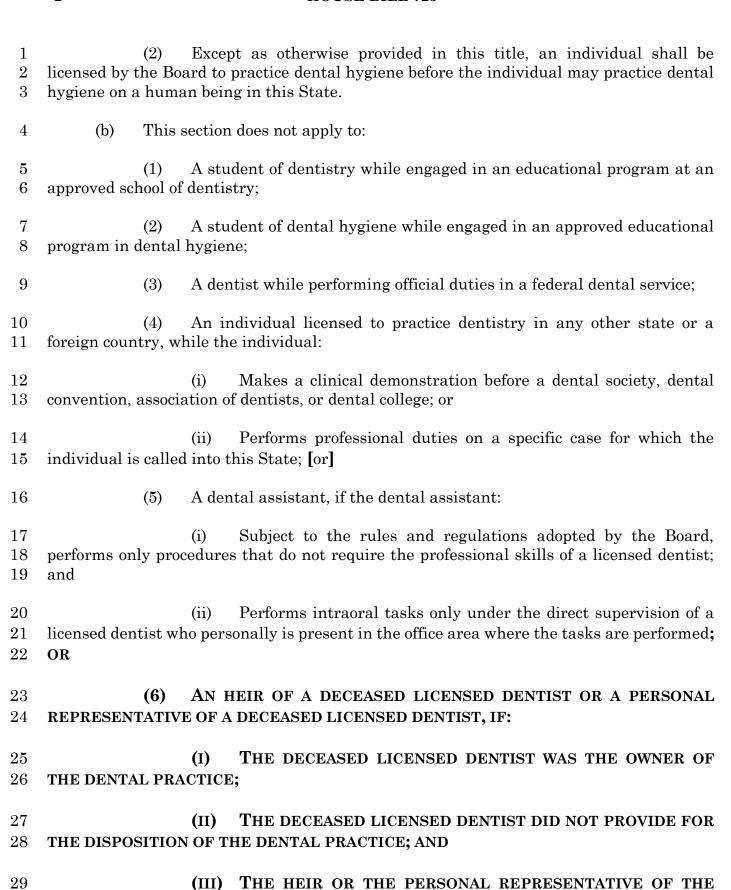
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- 24 (a) (1) Except as otherwise provided in this title, an individual shall be
- 25 licensed by the Board to practice dentistry before the individual may practice dentistry on
- 26 a human being in this State.



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DECEASED LICENSED DENTIST SERVES AS THE OWNER OF THE DENTAL PRACTICE, REGARDLESS OF WHETHER THE HEIR OR THE PERSONAL REPRESENTATIVE IS

- 1 LICENSED TO PRACTICE DENTISTRY, FOR NO LONGER THAN 1 YEAR AFTER THE
- 2 DEATH OF THE LICENSED DENTIST UNLESS THE BOARD EXTENDS THE TIME PERIOD
- 3 UNDER SUBSECTION (C)(1) OF THIS SECTION.
- 4 (C) (1) ON WRITTEN REQUEST AND GOOD CAUSE SHOWN BY THE HEIR OR
- 5 PERSONAL REPRESENTATIVE OF A DECEASED LICENSED DENTIST, INCLUDING
- 6 EVIDENCE OF A GOOD FAITH EFFORT TO SELL OR CLOSE THE DENTAL PRACTICE,
- 7 THE BOARD, IN ITS SOLE DISCRETION, MAY EXTEND THE 1-YEAR PERIOD UNDER
- 8 SUBSECTION (B)(6)(III) OF THIS SECTION FOR UP TO AN ADDITIONAL 6 MONTHS TO
- 9 ALLOW THE HEIR OR PERSONAL REPRESENTATIVE SUFFICIENT TIME TO SELL OR
- 10 OTHERWISE DISPOSE OF THE DENTAL PRACTICE.
- 11 (2) DURING THE TEMPORARY OWNERSHIP OF A DENTAL PRACTICE BY
- 12 AN HEIR OR A REPRESENTATIVE OF A DECEASED LICENSED DENTIST UNDER
- 13 SUBSECTION (B)(6)(III) OF THIS SECTION AND, IF APPLICABLE, PARAGRAPH (1) OF
- 14 THIS SUBSECTION, ALL PATIENT CARE SHALL BE PROVIDED:
- 15 (I) BY AN APPROPRIATE INDIVIDUAL WHO IS LICENSED UNDER
- 16 THIS TITLE; AND
- 17 (II) IN ACCORDANCE WITH THE INDIVIDUAL'S SCOPE OF
- 18 PRACTICE.
- 19 (3) THE TEMPORARY OWNERSHIP OF A DENTAL PRACTICE BY AN HEIR
- 20 OR A PERSONAL REPRESENTATIVE OF A DECEASED LICENSED DENTIST UNDER THIS
- 21 SUBSECTION MAY NOT AFFECT THE EXERCISE OF THE INDEPENDENT JUDGMENT OF
- 22 A LICENSED DENTIST WHO PROVIDES CARE TO PATIENTS OF THE DENTAL PRACTICE.
- 23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
- 24 1, 2017.