

# SENATE BILL 1013

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CF HB 1214

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By: **Senator Conway**

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2017

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

1 AN ACT concerning

2 ~~**Health Occupations – Dental Therapists – Licensure**~~  
3 **Department of Health and Mental Hygiene and Maryland Higher Education**  
4 **Commission – Workgroup to Examine the Need for Dental Therapy**

5 ~~FOR the purpose of requiring the State Board of Dental Examiners to adopt regulations for~~  
6 ~~the licensure of dental therapists and the practice of dental therapy; requiring the~~  
7 ~~Board to adopt regulations establishing criteria for taking certain action relating to~~  
8 ~~a collaboration agreement; requiring the Board to adopt a code of ethics for the~~  
9 ~~practice of dental therapy; requiring the Board to set certain fees and to pay all fees~~  
10 ~~collected to the Comptroller; requiring the Comptroller to distribute all fees to the~~  
11 ~~State Board of Dental Examiners Fund; requiring, with certain exceptions and~~  
12 ~~beginning on a certain date, that an individual be licensed by the Board before the~~  
13 ~~individual may practice dental therapy in the State; providing for the construction~~  
14 ~~of certain provisions of this Act; requiring that a license issued to a dental therapist~~  
15 ~~limit the dental therapist's scope of practice to certain acts; specifying the patient~~  
16 ~~services that may be provided by a dental therapist under a collaboration agreement~~  
17 ~~with a supervising dentist; prohibiting a dentist from supervising a dental therapist~~  
18 ~~in the performance of delegated acts without filing a completed collaboration~~  
19 ~~agreement with the Board; prohibiting a dental therapist from performing certain~~  
20 ~~acts; providing that a dental therapist is the agent of the supervising dentist in the~~  
21 ~~performance of certain activities; authorizing a dentist to delegate acts to a dental~~  
22 ~~therapist only after a collaboration agreement has been executed, filed with, and~~  
23 ~~approved by the Board; requiring that the collaboration agreement be consistent~~  
24 ~~with certain standards, include certain items, set forth certain expectations, and be~~  
25 ~~signed and maintained by the supervising dentist and the dental therapist and~~

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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.



~~updated as necessary, with certain approval; limiting the number of dental therapists with whom a supervising dentist may have a collaboration agreement; authorizing the Board to take certain action relating to a collaboration agreement; requiring the Board to notify the supervising dentist and the dental therapist in a certain manner if the Board takes a certain action relating to the collaboration agreement; prohibiting the Board from restricting the submission of an amendment to the collaboration agreement; requiring the Board, to the extent practicable, to take certain action within a certain time period after receiving a completed collaboration agreement; authorizing the Board to take certain action if the Board determines that a supervising dentist or dental therapist is practicing in a certain manner; authorizing a dental therapist to practice only in accordance with a collaboration agreement filed with the Board; establishing the qualifications that an applicant must meet to qualify for a license to practice dental therapy and for a dental therapist licensed in another state to obtain a license; requiring an applicant to submit a certain application and pay a certain fee to apply for a license to practice dental therapy; requiring the Board to issue a license to a certain applicant; providing that a license authorizes an individual to practice as a dental therapist in the State under a collaboration agreement while the license is effective; authorizing a dental therapist to practice under the general supervision of a dentist except under certain circumstances; providing for the renewal and reinstatement of a dental therapist license; requiring a licensed dental therapist to notify the Board in writing of a change in name or address within a certain period of time; prohibiting a licensed dental therapist from surrendering a license and prohibiting the lapse of a license under certain circumstances; authorizing the Board to take certain disciplinary action against an applicant or a licensee for certain reasons; authorizing the Board to impose a certain fine on a licensee under certain circumstances; requiring the Board to adopt regulations to set certain standards; requiring the Board to pay a certain fine into the General Fund of the State; requiring the Board to give a certain individual an opportunity for a hearing before the Board and to give certain notice and hold the hearing in accordance with certain provisions of law; authorizing the Board to issue subpoenas and administer oaths under certain circumstances; authorizing a certain court to take certain action against an individual who disobeys a subpoena from the Board or an order by the Board; authorizing the Board to hear and determine a certain matter under certain circumstances; authorizing an individual aggrieved by a decision of the Board to take certain action under certain circumstances; authorizing the Board to reinstate the certificate of an individual whose license has been revoked; prohibiting an individual from practicing, attempting to practice, or offering to practice dental therapy in the State without a license; establishing certain penalties for violations of certain provisions of this Act; establishing a certain short title; requiring the Board to report certain information to certain committees of the General Assembly on or before certain dates; stating the intent of the General Assembly regarding the initial funding of the Board and the reimbursement to the General Fund for certain costs, under certain circumstances; defining certain terms; and generally relating to licensing of dental therapists and the State Board of Dental Examiners.~~

1 ~~Article — Health Occupations~~

2 ~~Section 4-6A-01 through 4-6A-24 to be under the new subtitle “Subtitle 6A. Dental~~  
 3 ~~Therapists”~~

4 ~~Annotated Code of Maryland~~

5 ~~(2014 Replacement Volume and 2016 Supplement)~~

6 FOR the purpose of requiring the Department of Health and Mental Hygiene and the  
 7 Maryland Higher Education Commission to jointly convene a workgroup to examine  
 8 the need for dental therapy in the State; requiring the workgroup to include certain  
 9 stakeholders; requiring the workgroup to report its findings and recommendations  
 10 to certain committees of the General Assembly on or before a certain date; and  
 11 generally relating to a workgroup to examine the need for dental therapy in the  
 12 State.

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

15 ~~Article — Health Occupations~~

16 ~~SUBTITLE 6A. DENTAL THERAPISTS.~~

17 ~~4-6A-01.~~

18 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~  
 19 ~~INDICATED.~~

20 ~~(B) “COLLABORATION AGREEMENT” MEANS A DOCUMENT THAT IS~~  
 21 ~~EXECUTED BY A SUPERVISING DENTIST AND A DENTAL THERAPIST AND MEETS THE~~  
 22 ~~REQUIREMENTS OF § 4-6A-06(C) OF THIS SUBTITLE.~~

23 ~~(C) “DENTAL THERAPIST” MEANS AN INDIVIDUAL WHO HOLDS A LICENSE~~  
 24 ~~TO PRACTICE DENTAL THERAPY IN THE STATE.~~

25 ~~(D) “DIRECT SUPERVISION” MEANS SUPERVISION BY A LICENSED DENTIST~~  
 26 ~~WHO IS READILY AVAILABLE AT THE PRACTICE SITE OF A DENTAL THERAPIST FOR~~  
 27 ~~CONSULTATION OR INTERVENTION.~~

28 ~~(E) “GENERAL SUPERVISION” MEANS SUPERVISION BY A LICENSED~~  
 29 ~~DENTIST WHO MIGHT NOT BE PHYSICALLY PRESENT AT THE PRACTICE SITE OF A~~  
 30 ~~DENTAL THERAPIST.~~

31 ~~(F) “PRACTICE DENTAL THERAPY” MEANS TO PROVIDE ORAL HEALTH CARE~~  
 32 ~~SERVICES, INCLUDING PREVENTIVE, ORAL EVALUATION AND ASSESSMENT,~~  
 33 ~~EDUCATIONAL, PALLIATIVE, THERAPEUTIC, AND RESTORATIVE SERVICES, AS~~

~~1 AUTHORIZED IN AN APPROVED COLLABORATION AGREEMENT WITH A SUPERVISING  
2 DENTIST.~~

~~3 4-6A-02.~~

~~4 THE BOARD SHALL ADOPT:~~

~~5 (1) REGULATIONS FOR THE LICENSURE AND PRACTICE OF DENTAL  
6 THERAPY;~~

~~7 (2) REGULATIONS ESTABLISHING CRITERIA FOR APPROVING,  
8 DISAPPROVING, OR MODIFYING A COLLABORATION AGREEMENT SUBMITTED BY A  
9 SUPERVISING DENTIST AND A DENTAL THERAPIST; AND~~

~~10 (3) A CODE OF ETHICS FOR THE PRACTICE OF DENTAL THERAPY.~~

~~11 4-6A-03.~~

~~12 (A) THE BOARD SHALL SET REASONABLE FEES FOR:~~

~~13 (1) THE ISSUANCE AND RENEWAL OF LICENSES; AND~~

~~14 (2) THE OTHER SERVICES RENDERED BY THE BOARD IN CONNECTION  
15 WITH DENTAL THERAPISTS.~~

~~16 (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THIS  
17 SUBTITLE TO THE COMPTROLLER.~~

~~18 (2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE FUND  
19 ESTABLISHED UNDER § 4-207 OF THIS TITLE.~~

~~20 4-6A-04.~~

~~21 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEGINNING  
22 OCTOBER 1, 2019, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE  
23 INDIVIDUAL MAY PRACTICE DENTAL THERAPY IN THE STATE.~~

~~24 (B) THIS SECTION DOES NOT APPLY TO:~~

~~25 (1) A STUDENT OF DENTAL THERAPY WHILE ENGAGED IN AN  
26 APPROVED EDUCATIONAL PROGRAM IN DENTAL THERAPY; OR~~

~~27 (2) AN INDIVIDUAL LICENSED TO PRACTICE DENTAL THERAPY IN ANY  
28 OTHER STATE OR COUNTRY WHILE THE INDIVIDUAL MAKES A CLINICAL~~

1 ~~DEMONSTRATION BEFORE A DENTAL SOCIETY, DENTAL CONVENTION, OR DENTAL~~  
2 ~~THERAPY CLASS.~~

3 ~~4-6A-05.~~

4 ~~(A) THIS SUBTITLE MAY NOT BE CONSTRUED TO AUTHORIZE A DENTAL~~  
5 ~~THERAPIST TO PRACTICE INDEPENDENTLY OF A SUPERVISING DENTIST.~~

6 ~~(B) A LICENSE ISSUED TO A DENTAL THERAPIST SHALL LIMIT THE DENTAL~~  
7 ~~THERAPIST'S SCOPE OF PRACTICE TO ACTS:~~

8 ~~(1) SPECIFIED IN THE COLLABORATION AGREEMENT ENTERED INTO~~  
9 ~~BY THE SUPERVISING DENTIST AND THE DENTAL THERAPIST AND FILED WITH THE~~  
10 ~~BOARD;~~

11 ~~(2) APPROPRIATE TO THE EDUCATION, TRAINING, AND EXPERIENCE~~  
12 ~~OF THE DENTAL THERAPIST; AND~~

13 ~~(3) CUSTOMARY TO THE PRACTICE OF THE SUPERVISING DENTIST.~~

14 ~~(C) PATIENT SERVICES THAT MAY BE PROVIDED BY A DENTAL THERAPIST~~  
15 ~~UNDER A COLLABORATION AGREEMENT WITH A SUPERVISING DENTIST INCLUDE:~~

16 ~~(1) ANY ACTS WITHIN THE SCOPE OF PRACTICE OF A LICENSED~~  
17 ~~DENTAL HYGIENIST;~~

18 ~~(2) ANY SERVICES AND PROCEDURES INCLUDED IN THE COMMISSION~~  
19 ~~ON DENTAL ACCREDITATION DENTAL THERAPY STANDARDS;~~

20 ~~(3) INTERPRETATION OF RADIOGRAPHS;~~

21 ~~(4) PLACEMENT OF SPACE MAINTAINERS;~~

22 ~~(5) PULPOTOMIES ON PRIMARY TEETH;~~

23 ~~(6) AN ORAL EVALUATION AND ASSESSMENT OF DENTAL DISEASE~~  
24 ~~AND THE FORMATION OF AN INDIVIDUALIZED TREATMENT PLAN;~~

25 ~~(7) NONSURGICAL EXTRACTIONS OF ERUPTED, PERIODONTALLY~~  
26 ~~DISEASED PERMANENT TEETH WITH TOOTH MOBILITY OF +3; AND~~

27 ~~(8) ANY OTHER SERVICES AS AUTHORIZED IN THE COLLABORATION~~  
28 ~~AGREEMENT.~~

1 ~~(D) (1) A DENTIST MAY NOT SUPERVISE A DENTAL THERAPIST IN THE~~  
2 ~~PERFORMANCE OF DELEGATED ACTS WITHOUT FILING A COMPLETED~~  
3 ~~COLLABORATION AGREEMENT WITH THE BOARD.~~

4 ~~(2) A DENTAL THERAPIST MAY NOT PERFORM ANY DENTAL ACT FOR~~  
5 ~~WHICH:~~

6 ~~(I) THE INDIVIDUAL HAS NOT BEEN LICENSED; AND~~

7 ~~(H) THE DENTAL ACTS HAVE NOT BEEN DELEGATED BY A~~  
8 ~~SUPERVISING DENTIST.~~

9 ~~(E) A DENTAL THERAPIST IS THE AGENT OF THE SUPERVISING DENTIST IN~~  
10 ~~THE PERFORMANCE OF ALL PRACTICE RELATED ACTIVITIES, INCLUDING THE~~  
11 ~~ORAL, WRITTEN, AND ELECTRONIC ORDERING OF DIAGNOSTIC, THERAPEUTIC, AND~~  
12 ~~ANY OTHER DENTAL SERVICES.~~

13 ~~4-6A-06.~~

14 ~~(A) A DENTIST MAY DELEGATE ACTS TO A DENTAL THERAPIST ONLY AFTER~~  
15 ~~A COLLABORATION AGREEMENT HAS BEEN EXECUTED, FILED WITH, AND APPROVED~~  
16 ~~BY THE BOARD.~~

17 ~~(B) THE COLLABORATION AGREEMENT SHALL BE CONSISTENT WITH ANY~~  
18 ~~STANDARDS ESTABLISHED BY THE COMMISSION ON DENTAL ACCREDITATION.~~

19 ~~(C) THE COLLABORATION AGREEMENT SHALL INCLUDE:~~

20 ~~(1) THE PRACTICE SETTINGS IN WHICH THE DENTAL THERAPIST MAY~~  
21 ~~PROVIDE SERVICES;~~

22 ~~(2) THE EXTENT TO WHICH THE DENTAL THERAPIST MAY SUPERVISE~~  
23 ~~DENTAL ASSISTANTS;~~

24 ~~(3) ANY LIMITATION ON SERVICES THAT MAY BE PROVIDED BY THE~~  
25 ~~DENTAL THERAPIST;~~

26 ~~(4) THE LEVEL OF SUPERVISION REQUIRED FOR PARTICULAR~~  
27 ~~SERVICES OR PRACTICE SETTINGS; AND~~

28 ~~(5) PRACTICE PROTOCOLS, INCLUDING:~~

1 ~~(I) AGE AND PROCEDURE SPECIFIC PRACTICE PROTOCOLS,~~  
2 ~~INCLUDING CASE SELECTION CRITERIA, ASSESSMENT GUIDELINES, AND IMAGING~~  
3 ~~FREQUENCY;~~

4 ~~(II) PROCEDURES FOR CREATING AND MAINTAINING RECORDS~~  
5 ~~FOR PATIENTS TREATED BY THE DENTAL THERAPIST;~~

6 ~~(III) PROCEDURES FOR MANAGING MEDICAL EMERGENCIES IN~~  
7 ~~EACH PRACTICE SETTING IN WHICH THE DENTAL THERAPIST PROVIDES CARE;~~

8 ~~(IV) A QUALITY ASSURANCE PLAN FOR MONITORING CARE~~  
9 ~~PROVIDED BY THE DENTAL THERAPIST, INCLUDING PATIENT REVIEW AND~~  
10 ~~REFERRAL FOLLOW UP;~~

11 ~~(V) CRITERIA RELATING TO THE PROVISION OF CARE TO~~  
12 ~~PATIENTS WITH SPECIFIC MEDICAL CONDITIONS OR COMPLEX MEDICATION~~  
13 ~~HISTORIES, INCLUDING REQUIREMENTS FOR CONSULTATION BEFORE THE~~  
14 ~~INITIATION OF CARE;~~

15 ~~(VI) PROTOCOLS TO GOVERN SITUATIONS IN WHICH THE~~  
16 ~~DENTAL THERAPIST ENCOUNTERS A PATIENT WHO REQUIRES TREATMENT THAT~~  
17 ~~EXCEEDS THE AUTHORIZED SCOPE OF PRACTICE OF THE DENTAL THERAPIST;~~

18 ~~(VII) A PLAN FOR THE PROVISION OF CLINICAL RESOURCES; AND~~

19 ~~(VIII) CRITERIA FOR THE SUPERVISION OF DENTAL ASSISTANTS~~  
20 ~~BY DENTAL THERAPISTS.~~

21 ~~(D) THE COLLABORATION AGREEMENT SHALL SET FORTH CLEAR~~  
22 ~~EXPECTATIONS FOR THE ESTABLISHMENT OF A PERMANENT DENTAL HOME THAT:~~

23 ~~(1) PROMOTES REGULAR VISITS WITH THE SUPERVISING DENTIST;~~

24 ~~(2) FACILITATES ACCESSIBLE COMMUNICATION BETWEEN THE~~  
25 ~~SUPERVISING DENTIST AND THE PATIENT; AND~~

26 ~~(3) ENSURES CONTINUITY OF CARE.~~

27 ~~(E) A COLLABORATION AGREEMENT SHALL BE SIGNED AND MAINTAINED BY~~  
28 ~~THE SUPERVISING DENTIST AND THE DENTAL THERAPIST AND UPDATED AS~~  
29 ~~NECESSARY, WITH THE APPROVAL OF THE BOARD.~~

30 ~~(F) A SUPERVISING DENTIST MAY HAVE A COLLABORATION AGREEMENT~~  
31 ~~WITH NOT MORE THAN SIX DENTAL THERAPISTS AT THE SAME TIME.~~

1           ~~(C) (1) THE BOARD, IN ACCORDANCE WITH THE CRITERIA ESTABLISHED~~  
2 ~~IN REGULATION;~~

3                     ~~(I) MAY APPROVE THE COLLABORATION AGREEMENT; OR~~

4                     ~~(H) MAY MODIFY OR DISAPPROVE THE COLLABORATION~~  
5 ~~AGREEMENT.~~

6                     ~~(2) IF THE BOARD MODIFIES OR DISAPPROVES THE COLLABORATION~~  
7 ~~AGREEMENT, THE BOARD:~~

8                             ~~(I) SHALL NOTIFY THE SUPERVISING DENTIST AND THE~~  
9 ~~DENTAL THERAPIST IN WRITING OF THE PARTICULAR ELEMENTS OF THE PROPOSED~~  
10 ~~COLLABORATION AGREEMENT THAT WERE THE CAUSE FOR THE MODIFICATION OR~~  
11 ~~DISAPPROVAL; AND~~

12                            ~~(H) MAY NOT RESTRICT THE SUBMISSION OF AN AMENDMENT~~  
13 ~~TO THE COLLABORATION AGREEMENT.~~

14                     ~~(H) TO THE EXTENT PRACTICABLE, THE BOARD SHALL APPROVE A~~  
15 ~~COLLABORATION AGREEMENT OR TAKE OTHER ACTION AUTHORIZED UNDER THIS~~  
16 ~~SECTION WITHIN 90 DAYS AFTER RECEIVING A COMPLETED COLLABORATION~~  
17 ~~AGREEMENT, INCLUDING ANY INFORMATION FROM THE DENTAL THERAPIST AND~~  
18 ~~THE SUPERVISING DENTIST NECESSARY TO APPROVE OR TAKE ACTION.~~

19                     ~~(I) IF THE BOARD DETERMINES THAT A SUPERVISING DENTIST OR DENTAL~~  
20 ~~THERAPIST IS PRACTICING IN A MANNER INCONSISTENT WITH THE REQUIREMENTS~~  
21 ~~OF THIS TITLE, THE BOARD MAY:~~

22                            ~~(1) DEMAND MODIFICATION OF THE PRACTICE;~~

23                            ~~(2) WITHDRAW THE APPROVAL OF THE COLLABORATION~~  
24 ~~AGREEMENT; OR~~

25                            ~~(3) REFER THE MATTER TO THE BOARD FOR THE PURPOSE OF~~  
26 ~~TAKING OTHER DISCIPLINARY ACTION UNDER § 4-315 OF THIS TITLE OR § 4-6A-18~~  
27 ~~OF THIS SUBTITLE.~~

28                     ~~(J) A DENTAL THERAPIST MAY PRACTICE ONLY IN ACCORDANCE WITH A~~  
29 ~~COLLABORATION AGREEMENT FILED WITH THE BOARD UNDER THIS SUBTITLE.~~

30 ~~4-6A-07.~~



1       ~~(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, TO QUALIFY FOR~~  
2 ~~A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE~~  
3 ~~REQUIREMENTS OF THIS SECTION.~~

4       ~~(B) THE APPLICANT SHALL:~~

5           ~~(1) BE OF GOOD MORAL CHARACTER;~~

6           ~~(2) BE AT LEAST 18 YEARS OLD;~~

7           ~~(3) BE A LICENSED DENTAL HYGIENIST;~~

8           ~~(4) SATISFY THE EDUCATION REQUIREMENTS IN § 4-6A-09 OF THIS~~  
9 ~~SUBTITLE; AND~~

10           ~~(5) SATISFY THE EXAMINATION REQUIREMENTS IN § 4-6A-10 OF~~  
11 ~~THIS SUBTITLE.~~

12 ~~4-6A-08.~~

13       ~~(A) A DENTAL THERAPIST LICENSED IN ANOTHER STATE SHALL QUALIFY~~  
14 ~~FOR A LICENSE IN THIS STATE IF THE INDIVIDUAL IS AN APPLICANT WHO MEETS THE~~  
15 ~~REQUIREMENTS OF THIS SECTION.~~

16       ~~(B) THE APPLICANT:~~

17           ~~(1) SHALL BE OF GOOD MORAL CHARACTER;~~

18           ~~(2) SHALL BE AT LEAST 18 YEARS OLD;~~

19           ~~(3) SHALL:~~

20           ~~(i) SATISFY THE EDUCATION REQUIREMENTS IN § 4-6A-09 OF~~  
21 ~~THIS SUBTITLE; OR~~

22           ~~(ii) BE CERTIFIED BY THE INDIAN HEALTH SERVICE OF THE~~  
23 ~~U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, IN ACCORDANCE WITH THE~~  
24 ~~FEDERAL INDIAN HEALTH CARE IMPROVEMENT ACT;~~

25           ~~(4) SHALL SATISFY THE EXAMINATION REQUIREMENTS IN § 4-6A-10~~  
26 ~~OF THIS SUBTITLE; AND~~

27           ~~(5) MAY NOT:~~

1 ~~(I) BE UNDER INVESTIGATION BY A DISCIPLINARY AUTHORITY~~  
 2 ~~OF ANOTHER STATE OR COUNTRY, OR HAVE CHARGES PENDING AGAINST THE~~  
 3 ~~APPLICANT'S LICENSE IN ANOTHER STATE OR COUNTRY; AND~~

4 ~~(II) HAVE BEEN DISCIPLINED BY A DISCIPLINARY OR~~  
 5 ~~LICENSING AUTHORITY OF ANOTHER STATE OR COUNTRY OR CONVICTED OR~~  
 6 ~~DISCIPLINED BY A COURT OF ANOTHER STATE OR COUNTRY FOR AN ACT THAT~~  
 7 ~~WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER § 4-6A-17 OF THIS~~  
 8 ~~SUBTITLE.~~

9 ~~4-6A-09.~~

10 ~~TO QUALIFY FOR A DENTAL THERAPIST LICENSE, AN APPLICANT SHALL~~  
 11 ~~SUCCESSFULLY COMPLETE A DENTAL THERAPIST EDUCATION PROGRAM THAT:~~

12 ~~(1) IS ADMINISTERED BY AN INSTITUTION OF HIGHER EDUCATION~~  
 13 ~~THAT MEETS THE STANDARDS OF THE COMMISSION ON DENTAL ACCREDITATION;~~

14 ~~(2) ADDRESSES THE DENTAL CARE NEEDS OF PATIENTS WITH~~  
 15 ~~SPECIAL NEEDS, INCLUDING:~~

16 ~~(I) INDIVIDUALS WHOSE MEDICAL, PHYSICAL,~~  
 17 ~~PSYCHOLOGICAL, COGNITIVE, OR SOCIAL SITUATIONS MAKE IT NECESSARY TO~~  
 18 ~~CONSIDER A WIDE RANGE OF ASSESSMENT AND CARE OPTIONS TO PROVIDE DENTAL~~  
 19 ~~TREATMENT;~~

20 ~~(II) INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES,~~  
 21 ~~COGNITIVE IMPAIRMENT, COMPLEX MEDICAL PROBLEMS, SIGNIFICANT PHYSICAL~~  
 22 ~~LIMITATIONS; AND~~

23 ~~(III) THE VULNERABLE ELDERLY; AND~~

24 ~~(3) MEETS ANY OTHER REQUIREMENTS FOR DENTAL THERAPY~~  
 25 ~~EDUCATION PROGRAMS ADOPTED BY THE BOARD IN REGULATION.~~

26 ~~4-6A-10.~~

27 ~~TO QUALIFY FOR A DENTAL THERAPIST LICENSE, AN APPLICANT SHALL PASS~~  
 28 ~~A COMPREHENSIVE, COMPETENCY-BASED CLINICAL EXAMINATION THAT IS:~~

29 ~~(1) APPROVED BY THE BOARD AS MEETING REQUIREMENTS~~  
 30 ~~ESTABLISHED IN REGULATION; AND~~

31 ~~(2) ADMINISTERED BY:~~

1           ~~(I) A NATIONAL OR REGIONAL TESTING AGENCY; OR~~

2           ~~(II) AN INSTITUTION OF HIGHER EDUCATION WITH A DENTAL~~  
3 ~~THERAPY PROGRAM.~~

4 ~~4-6A-11.~~

5           ~~(A) TO APPLY FOR A LICENSE, AN APPLICANT SHALL:~~

6           ~~(1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE~~  
7 ~~BOARD REQUIRES; AND~~

8           ~~(2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD.~~

9           ~~(B) THE BOARD SHALL ISSUE A LICENSE TO AN APPLICANT WHO MEETS THE~~  
10 ~~REQUIREMENTS OF THIS SUBTITLE.~~

11 ~~4-6A-12.~~

12           ~~A LICENSE AUTHORIZES AN INDIVIDUAL TO PRACTICE AS A DENTAL~~  
13 ~~THERAPIST IN THE STATE UNDER A COLLABORATION AGREEMENT WHILE THE~~  
14 ~~LICENSE IS EFFECTIVE.~~

15 ~~4-6A-13.~~

16           ~~(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A DENTAL~~  
17 ~~THERAPIST MAY PRACTICE UNDER THE GENERAL SUPERVISION OF A DENTIST.~~

18           ~~(B) BEFORE PRACTICING UNDER THE GENERAL SUPERVISION OF A~~  
19 ~~SUPERVISING DENTIST, A DENTAL THERAPIST SHALL PRACTICE UNDER THE DIRECT~~  
20 ~~SUPERVISION OF A DENTIST FOR AT LEAST 500 HOURS.~~

21 ~~4-6A-14.~~

22           ~~(A) (1) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE~~  
23 ~~LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.~~

24           ~~(2) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2~~  
25 ~~YEARS.~~

26           ~~(B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL~~  
27 ~~SEND TO THE LICENSED DENTAL THERAPIST A RENEWAL NOTICE THAT STATES:~~

28           ~~(1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;~~

1           ~~(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE~~  
2 ~~RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND SENT BEFORE THE~~  
3 ~~LICENSE EXPIRES; AND~~

4           ~~(3) THE AMOUNT OF THE RENEWAL FEE.~~

5           ~~(C) BEFORE A LICENSE EXPIRES, THE LICENSED DENTAL THERAPIST~~  
6 ~~PERIODICALLY MAY RENEW THE LICENSE FOR AN ADDITIONAL TERM IF THE~~  
7 ~~LICENSEE:~~

8           ~~(1) OTHERWISE IS ENTITLED TO BE LICENSED;~~

9           ~~(2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND~~

10          ~~(3) SUBMITS TO THE BOARD:~~

11           ~~(I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD~~  
12 ~~REQUIRES; AND~~

13           ~~(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE~~  
14 ~~CONTINUING EDUCATION REQUIREMENT ESTABLISHED UNDER THIS SECTION FOR~~  
15 ~~LICENSE RENEWAL.~~

16          ~~(D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS~~  
17 ~~ESTABLISHED BY THE BOARD, THE BOARD SHALL ESTABLISH CONTINUING~~  
18 ~~EDUCATION AS A CONDITION OF THE RENEWAL OF A LICENSE UNDER THIS SECTION.~~

19          ~~(E) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO~~  
20 ~~MEETS THE REQUIREMENTS OF THIS SECTION.~~

21          ~~(F) THE BOARD SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL WHO~~  
22 ~~HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE INDIVIDUAL:~~

23           ~~(1) APPLIES FOR REINSTATEMENT AFTER THE DATE THE LICENSE~~  
24 ~~EXPIRES;~~

25           ~~(2) MEETS THE RENEWAL REQUIREMENTS OF THIS SECTION; AND~~

26           ~~(3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE~~  
27 ~~BOARD.~~

28 ~~4-6A-15.~~

~~A LICENSED DENTAL THERAPIST SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE IN NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.~~

~~4-6A-16.~~

~~UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE, A LICENSED DENTAL THERAPIST MAY NOT SURRENDER THE LICENSE AND THE LICENSE MAY NOT LAPSE BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.~~

~~4-6A-17.~~

~~SUBJECT TO THE HEARING PROVISIONS OF § 4-6A-19 OF THIS SUBTITLE, THE BOARD MAY DENY A LICENSE TO AN APPLICANT, FINE A LICENSEE, REPRIMAND A LICENSEE, PLACE A LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE, IF THE APPLICANT OR LICENSEE:~~

~~(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;~~

~~(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;~~

~~(3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN THE PRACTICE OF DENTAL THERAPY;~~

~~(4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;~~

~~(5) ABANDONS A PATIENT;~~

~~(6) IS HABITUALLY INTOXICATED;~~

~~(7) IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE;~~

~~(8) PROVIDES PROFESSIONAL SERVICES WHILE:~~

~~(I) UNDER THE INFLUENCE OF ALCOHOL; OR~~

~~(II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR ANY OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;~~

1 ~~(9) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES,~~  
2 ~~APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR~~  
3 ~~FINANCIAL GAIN;~~

4 ~~(10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE~~  
5 ~~PRACTICE OF DENTAL THERAPY;~~

6 ~~(11) WILLFULLY FAILS TO FILE OR RECORD A REPORT AS REQUIRED~~  
7 ~~UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF A~~  
8 ~~REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD A REPORT;~~

9 ~~(12) BREACHES PATIENT CONFIDENTIALITY;~~

10 ~~(13) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF~~  
11 ~~REMUNERATION OR MATERIAL BENEFIT TO ANY PERSON FOR BRINGING OR~~  
12 ~~REFERRING A PATIENT, OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY FORM~~  
13 ~~OF REMUNERATION OR MATERIAL BENEFIT FROM A PERSON FOR BRINGING OR~~  
14 ~~REFERRING A PATIENT;~~

15 ~~(14) KNOWINGLY MAKES A MISREPRESENTATION WHILE PRACTICING~~  
16 ~~DENTAL THERAPY;~~

17 ~~(15) KNOWINGLY PRACTICES DENTAL THERAPY WITH AN~~  
18 ~~UNAUTHORIZED INDIVIDUAL OR AIDS AN UNAUTHORIZED INDIVIDUAL IN THE~~  
19 ~~PRACTICE OF DENTAL THERAPY;~~

20 ~~(16) KNOWINGLY DELEGATES A DENTAL THERAPY DUTY TO AN~~  
21 ~~UNLICENSED INDIVIDUAL;~~

22 ~~(17) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY, IS~~  
23 ~~CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY, OR IS~~  
24 ~~DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR~~  
25 ~~THE U.S. DEPARTMENT OF VETERANS AFFAIRS FOR AN ACT THAT WOULD BE~~  
26 ~~GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY~~  
27 ~~STATUTES;~~

28 ~~(18) FAILS TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF~~  
29 ~~DENTAL THERAPY SERVICES;~~

30 ~~(19) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR~~  
31 ~~WHICH SERVICES ARE NOT PROVIDED;~~

32 ~~(20) (i) HAS BEEN SUBJECT TO INVESTIGATION OR DISCIPLINARY~~  
33 ~~ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY~~

1 ~~STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY~~  
2 ~~ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND~~

3 ~~(H) HAS:~~

4 ~~1. SURRENDERED THE LICENSE, IF ANY, ISSUED BY THE~~  
5 ~~STATE OR COUNTRY; OR~~

6 ~~2. ALLOWED THE LICENSE, IF ANY, ISSUED BY THE~~  
7 ~~STATE OR COUNTRY TO EXPIRE OR LAPSE;~~

8 ~~(21) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO~~  
9 ~~A FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER ANY APPEAL~~  
10 ~~OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE;~~  
11 ~~OR~~

12 ~~(22) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION OF THE~~  
13 ~~BOARD.~~

14 ~~4-6A-18.~~

15 ~~(A) IF, AFTER A HEARING UNDER § 4-6A-19 OF THIS SUBTITLE, THE BOARD~~  
16 ~~FINDS THAT THERE ARE GROUNDS UNDER § 4-6A-17 OF THIS SUBTITLE TO~~  
17 ~~REPRIMAND A LICENSEE, PLACE A LICENSEE ON PROBATION, OR SUSPEND OR~~  
18 ~~REVOKE A LICENSE, THE BOARD MAY IMPOSE A FINE ON THE LICENSEE IN AN~~  
19 ~~AMOUNT NOT EXCEEDING \$5,000:~~

20 ~~(1) INSTEAD OF REPRIMANDING THE LICENSEE, PLACING THE~~  
21 ~~LICENSEE ON PROBATION, OR SUSPENDING OR REVOKING THE DENTAL~~  
22 ~~THERAPIST'S LICENSE; OR~~

23 ~~(2) IN ADDITION TO REPRIMANDING THE LICENSEE, PLACING THE~~  
24 ~~LICENSEE ON PROBATION, OR SUSPENDING OR REVOKING THE DENTAL~~  
25 ~~THERAPIST'S LICENSE.~~

26 ~~(B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE~~  
27 ~~IMPOSITION OF FINES UNDER THIS SECTION.~~

28 ~~(C) THE BOARD SHALL PAY ANY FINE COLLECTED UNDER THIS SECTION~~  
29 ~~INTO THE GENERAL FUND OF THE STATE.~~

30 ~~4-6A-19.~~

1 ~~(A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE~~  
2 ~~PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 4-6A-17 OF~~  
3 ~~THIS SUBTITLE, THE BOARD SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE~~  
4 ~~ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.~~

5 ~~(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN~~  
6 ~~ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.~~

7 ~~(C) IN ACCORDANCE WITH THE STATE BUDGET, THE BOARD MAY~~  
8 ~~AUTHORIZE PAYMENT OF FEES AND TRAVEL EXPENSES OF WITNESSES WHO TESTIFY~~  
9 ~~IN A PROCEEDING UNDER THIS SECTION.~~

10 ~~(D) THE INDIVIDUAL MAY BE REPRESENTED BY COUNSEL AT THE HEARING.~~

11 ~~(E) THE BOARD MAY ADMINISTER OATHS AND TAKE DEPOSITIONS OF~~  
12 ~~WITNESSES IN ANY PROCEEDING UNDER THIS SECTION.~~

13 ~~(F) (1) OVER THE SIGNATURE OF AN OFFICER OR THE EXECUTIVE~~  
14 ~~DIRECTOR OF THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER~~  
15 ~~OATHS IN CONNECTION WITH ANY INVESTIGATION UNDER THIS SUBTITLE AND ANY~~  
16 ~~HEARINGS OR PROCEEDINGS BEFORE THE BOARD.~~

17 ~~(2) THE BOARD SHALL ISSUE SUBPOENAS ON BEHALF OF THE~~  
18 ~~INDIVIDUAL IF THE INDIVIDUAL REQUESTS IN WRITING THAT THE BOARD DO SO.~~

19 ~~(3) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A SUBPOENA~~  
20 ~~FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH OR TO TESTIFY~~  
21 ~~OR ANSWER A QUESTION, THEN, ON PETITION OF THE BOARD, A COURT OF~~  
22 ~~COMPETENT JURISDICTION MAY PUNISH THE PERSON FOR CONTEMPT OF COURT.~~

23 ~~(G) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS~~  
24 ~~CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD MAY~~  
25 ~~HEAR AND DETERMINE THE MATTER.~~

26 ~~(H) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF §~~  
27 ~~4-6A-17 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE~~  
28 ~~HEARING AS SPECIFIED IN A REGULATION ADOPTED BY THE BOARD.~~

29 ~~4-6A-20.~~

30 ~~ANY INDIVIDUAL AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER §~~  
31 ~~4-6A-17 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY BUT MAY TAKE A~~  
32 ~~DIRECT JUDICIAL APPEAL AS PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT.~~



~~1 4-6A-21.~~

~~2 IF A LICENSE HAS BEEN SUSPENDED OR REVOKED UNDER § 4-6A-17 OF THIS~~  
~~3 SUBTITLE, THE BOARD MAY REINSTATE THE LICENSE ONLY IN ACCORDANCE WITH:~~

~~4 (1) THE TERMS AND CONDITIONS OF THE ORDER OF SUSPENSION OR~~  
~~5 REVOCATION; OR~~

~~6 (2) AN ORDER OF REINSTATEMENT ISSUED BY THE BOARD.~~

~~7 4-6A-22.~~

~~8 AN INDIVIDUAL MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO~~  
~~9 PRACTICE DENTAL THERAPY IN THE STATE WHILE REPRESENTING ONESELF TO BE~~  
~~10 A DENTAL THERAPIST UNLESS LICENSED BY THE BOARD.~~

~~11 4-6A-23.~~

~~12 AN INDIVIDUAL WHO VIOLATES § 4-6A-22 OF THIS SUBTITLE IS GUILTY OF A~~  
~~13 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000~~  
~~14 OR IMPRISONMENT NOT EXCEEDING 2 YEARS.~~

~~15 4-6A-24.~~

~~16 THIS SUBTITLE MAY BE CITED AS THE “MARYLAND DENTAL THERAPISTS~~  
~~17 ACT”.~~

~~18 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2018,~~  
~~19 and annually thereafter for the next 5 years, the State Board of Dental Examiners shall~~  
~~20 report to the Governor and, in accordance with § 2-1246 of the State Government Article,~~  
~~21 the Senate Education, Health, and Environmental Affairs Committee and the House~~  
~~22 Health and Government Operations Committee on the implementation of this Act,~~  
~~23 including:~~

~~24 (1) the number of dental therapists licensed;~~

~~25 (2) the number of collaboration agreements submitted for approval,~~  
~~26 approved, modified, and disapproved; and~~

~~27 (3) for the collaboration agreements modified or disapproved, the reason~~  
~~28 for the modification or disapproval.~~

~~29 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General~~  
~~30 Assembly that the Governor provide funds in the fiscal year 2018 and fiscal year 2019~~  
~~31 budgets at a level sufficient to allow the State Board of Dental Examiners to begin licensing~~  
~~32 dental therapists, and that when special funds become available for the regulation of dental~~

~~therapists, the special funds be used to reimburse the General Fund of the State for the cost of starting up the licensing process.~~

(a) The Department of Health and Mental Hygiene and the Maryland Higher Education Commission shall jointly convene a workgroup to examine the need for dental therapy in the State.

(b) The workgroup convened under subsection (a) of this section shall include health care practitioners in the fields of dentistry, dental hygiene, professional counselors and therapists, and nursing, as well as representatives from the disability community, public health advocates, the Medicaid community, and institutions of higher education.

(c) The workgroup shall:

(1) assess the need for dental therapists in the State;

(2) assess existing educational opportunities, if any, for the study of dental therapy in the State; and

(3) determine the feasibility of expanding educational opportunities for the study of dental therapy in the State.

(d) On or before December 1, 2017, the workgroup shall report, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee regarding the workgroup's findings and recommendations.

SECTION ~~4~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2017.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.