

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Health and Mental Hygiene
(DLS Control No. 15-039)**

Overview and Legal and Fiscal Impact

The regulation reduce from six to two the number of hours of a Board of Dental Examiners-approved course in infection control that an uncertified dental assistant is required to complete before participating in a dental sealant program.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Health and Mental Hygiene:

Board of Dental Examiners: Dental Assistants: COMAR 10.44.01.02

Legal Analysis

Background

COMAR 10.44.01.02 authorizes a dental assistant to provide specified dental assisting duties under the general supervision of a dentist for a dental sealant program. In addition to other requirements, a dental assistant who provides dental assistant duties, and who is not certified by the Dental Assisting National Board as qualified in general duties or qualified in orthodontics, is required to successfully complete a board-approved course of at least six hours in infection control with Occupational Safety and Health Administration (OSHA) protocol. The Board of Dental Examiners has learned that infection control with OSHA protocol is adequately covered in a 2-hour board-approved course. As a result of the 6-hour requirement, dental assistants are taking courses relating to the same subject matter multiple times.

Summary of Regulation

The regulation reduces from six to two the number of hours of a board-approved course in infection control with OSHA protocol that a dental assistant, who provides dental assistant duties and who is not certified by the Dental Assisting National Board as qualified in general duties or qualified in orthodontics, is required to successfully complete before participating in a dental sealant program.

Legal Issue

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The Department of Health and Mental Hygiene cites § 4-205 of the Health Occupations Article as authority for the regulation. Section 4-205 authorizes the board to adopt regulations governing the use of a dental assistant by a licensed dentist in performing intraoral procedures.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulation reduces the number of hours of a course in infection control (approved by the State Board of Dental Examiners) that an uncertified dental assistant must complete before participating in a dental sealant program. The department advises that reducing the requirement from six hours to two hours has no fiscal impact. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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