

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	08/03/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 9/18/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

10 44 19 05-.12

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator

Michele Phinney

Telephone Number

410-767-5623

Mailing Address

201 W. Preston Street

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5. Name of Person to Call About this Document

Murray Sherman

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410-402-8530

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6. Check applicable items:

- New Regulations

- Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: May 20, 2015.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes - No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Grant Gerber, Assistant Attorney General, (telephone #410-767-5469) on July 26, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Van T. Mitchell

Title

Secretary

Telephone No.

410-767-6500

Date

August 3, 2015

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 44 BOARD OF DENTAL EXAMINERS

10.44.19 Dental Radiation Technologist

Authority: Health Occupations Article, §4-505, Annotated Code of Maryland

Notice of Proposed Action

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The Secretary of Health and Mental Hygiene proposes to amend Regulation .05, adopt new Regulation .06 and recodify Regulations .06—.11 to be Regulations .07—.12 under COMAR 10.44.19 Dental Radiation Technologist.

This action was considered by the Board of Dental Examiners at a public meeting held on July 1, 2015 notice of which was given under the Notice of Public Meetings link on the Board's website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to create a staggered renewal schedule for dental radiation technologists all of whom presently renew their 2-year certificates every odd numbered year. The proposal will create a 1-year certificate in 2017 for dental radiation technologists whose certificates end in an even number. The result will be that approximately one-half of the dental radiation technologists will renew their certificates in even numbered years while the remainder will renew their certificates in odd numbered years.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street,

Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through October 19, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

Unlike dentists and dental hygienists who have a staggered license renewal, all dental radiation technologists are scheduled to renew their 2-year certificates at the same time in each odd numbered year, i.e., 2013, 2015, 2017, etc. The proposal will create a one year certificate for one-half of the dental radiation technologists (those whose certificates end in an even number) who are scheduled to renew their certificates in 2017. Those individuals will be scheduled to renew their certificates in 2018, while the remainder (those whose certificates end in an odd number) will be scheduled to renew their certificates in the normal course in 2019. The result will be a staggered renew schedule. Although the fee is reduced by one-half for one-half of the dental radiation technologists, there will be no economic impact since the one time certificate is for one-half of the typical 2-year period.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

Creating a one-year certificate in 2017 for dental radiation technologists whose certificates end in an even number for one-half of the usual fee will have no economic impact.

G. Small Business Worksheet:

Attached Document:

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 44 BOARD OF DENTAL EXAMINERS

10.44.19 Dental Radiation Technologist

Authority: Health Occupations Article, §4-505, Annotated Code of Maryland

10.44.19 (May 20, 2015)

.05 Term and Renewal of Certification.

A. [A] *Except as provided in Regulation .06 of this chapter, a certification as a dental radiation technologist expires on the second anniversary of the issuance of the certification unless it is renewed for an additional 2-year term as provided in this regulation.*

B.—F. (text unchanged)

G. Notwithstanding the provisions of §E of this regulation, the Board may charge the dental radiation technologist with unprofessional conduct as provided in Regulation [.11] .12 of this chapter.

.06 One-Time Transitional Renewal for Even Numbered Certificate Holders.

A. *A dental radiation technologist scheduled to renew a dental radiation technologist certificate on or before March 1, 2017 whose dental radiation technologist certificate number ends with an even number (0, 2, 4, 6, or 8) shall submit one-half of the renewal fee as specified in COMAR 10.44.20 for a 1-year certificate which shall expire on March 1, 2018, and thereafter if renewed, shall expire biennially.*

B. *The 1-year certificate referred to in §A of this regulation shall be issued one time so that the Board may transition to a staggered certification renewal program for dental radiation technologists.*

C. *A dental radiation technologist with an even numbered certificate who has completed the required 2-hour Board-approved course on infection control as a condition of 2017 certificate renewal is not required to complete the course for the 2018 certificate renewal, but will thereafter be required to complete the course.*

D. *A dental radiation technologist whose dental radiation technologist certificate number ends with an even number (0, 2, 4, 6, or 8) may not be required to demonstrate proof of active practice or continuing education as required under Regulation .05C(3) as a condition of 2017 certificate renewal, but will thereafter be subject to that requirement.*

[.06] .07—[.11] .12 (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

FEE JUSTIFICATION FOR PROPOSED COMAR 10.44.19

(1) Explain/justify why an increase or decrease is necessary:

(One time decrease in renewal fee will have no economic impact). Unlike dentists and dental hygienists who have a staggered license renewal, all dental radiation technologists are scheduled to renew their 2-year certificates at the same time in each odd numbered year, i.e., 2013, 2015, 2017, etc. The proposal will create a one year certificate for one-half of the dental radiation technologists (those whose certificates end in an even number) who are scheduled to renew their certificates in 2017. Those individuals will be scheduled to renew their certificates in 2018, while the remainder (those whose certificates end in an odd number) will be scheduled to renew their certificates in the normal course in 2019. The result

will be a staggered renew schedule. Although the fee is reduced by one-half for one-half of the dental radiation technologists, there will be no economic impact since the one time certificate is for one-half of the typical 2-year period.

(2) How much money is needed to operate effectively or to eliminate an operating fund deficit?

N/A.

(3) In what year was the most recent fee increase?

N/A.

(4) Is the fee revenue retained by the Proposing Unit or passed through to a national organization that administers a uniform licensing exam?

N/A.

(5) Describe any measures taken to mitigate the need for increased revenue:

N/A.

(6) Describe any special circumstances that have had an adverse impact on the Proposing Unit's operating expenses.

N/A.

(7) Describe any consideration given by the Proposing Unit as to the hardship a fee increase may have on the regulated profession.

N/A.

(8) Describe any efforts to solicit the opinions of licensees regarding the Proposing Unit's effectiveness and performance.

N/A.