

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Health and Mental Hygiene
(DLS Control No. 16-007)**

Overview and Legal and Fiscal Impact

The regulation alters the qualifications to be certified as a dental radiation technologist. The regulation requires an applicant for certification as a dental radiation technologist to successfully complete a course approved by the State Board of Dental Examiners of at least 24 hours relating to dental radiology.

The regulation presents no legal issues 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 Radiation Technologist: COMAR 10.44.19.03

Legal Analysis

Summary of Regulation

The regulation alters the qualifications to be certified as a dental radiation technologist. The regulation requires an applicant for certification as a dental radiation technologist to successfully complete a course approved by the State Board of Dental Examiners of at least 24 hours relating to dental radiology instead of satisfactorily completing the board-approved educational requirements established by the Maryland State Dental Association or the Maryland Dental Society.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The Department of Health and Mental Hygiene cites § 4-505 of the Health Occupations Article as statutory authority for the regulation. Section 4-505 requires the board to adopt regulations concerning qualifications, training, certification, monitoring of, and enforcement requirements for a dental radiation technologist.

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

Technical Corrections and Special Notes

As submitted to the committee, the regulation repealed COMAR 10.44.19.03A(6) and 10.44.19.03B(2), which require specified applicants for certification as a dental radiation technologist to meet any requirements established by the American Dental Association or any applicable federal standards for training and certification as a dental radiation technologist. However, § 4-505(b) of the Health Occupations Article requires the qualifications of applicants for certification by the board as a dental radiation technologist to include requirements established by (1) the American Dental Association or (2) any applicable federal standards for training and certification. In response to a suggestion from the Department of Legislative Services, the department has agreed not to repeal COMAR 10.44.19.03A(6) and 10.44.19.03B(2). This change will be made when the regulation is published in the *Maryland Register*.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulation repeals the requirement that an applicant for certification as a dental radiation technologist complete educational requirements established by the Maryland State Dental Association or the Maryland Dental Society and that are approved by the State Board of Dental Examiners, and instead requires an applicant to complete a board-approved course of at least 24 hours related to Maryland dental radiology. The department advises that the regulation implements existing requirements; therefore, there is 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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