

MARYLAND REGISTER

# Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	02/08/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 3/18/2016**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

10 44 01 04 and .05

**3. Name of Promulgating Authority**

Department of Health and Mental Hygiene

**4. Name of Regulations Coordinator Telephone Number**  
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**Title 10**  
**DEPARTMENT OF HEALTH AND MENTAL HYGIENE**  
**Subtitle 44 BOARD OF DENTAL EXAMINERS**

**10.44.01 Dental Assistants**

Authority: Health Occupations Article, §4-205, Annotated Code of Maryland

**Notice of Proposed Action**

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The Secretary of Health and Mental Hygiene proposes to amend Regulations .04 and .05 under COMAR 10.44.01 Dental Assistants.

This action was considered by the Board of Dental Examiners at a public meeting held on January 6, 2016 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 implement by regulation the Dental Board's established requirement that an applicant for recognition as a dental assistant qualified in orthodontics successfully complete a Board-approved course of at least 35 hours related to Maryland orthodontic dental assisting, and that an applicant for recognition as a dental assistant qualified in general duties successfully complete a Board-approved course of at least 35 hours related to Maryland general duties dental assisting.

**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

dhmmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through April 18, 2016. 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: The Board's requirement that individuals applying for either recognition as a dental assistant qualified orthodontics or recognition as a dental assistant qualified in general duties complete a Board-approved course of at least 35 hours has been in existence for more than 20 years. Therefore the proposed regulations have no economic impact.

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

See E.

G. Small Business Worksheet:

Attached Document:

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## **Title 10**

# **DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

## **Subtitle 44 BOARD OF DENTAL EXAMINERS**

### **10.44.01 Dental Assistants**

Authority: Health Occupations Article, §4-205, Annotated Code of Maryland

*10.44.01.04 (December 3, 2015)*

#### **.04 Dental Assistants Recognized as Qualified in Orthodontics.**

A. A dentist may use the services of a dental assistant to perform certain duties if the dental assistant:

*(1) Has successfully completed a Board-approved course of at least 35 hours related to Maryland orthodontic dental assisting; and*

[(1)] (2) Is certified by the Dental Assisting National Board in orthodontics [;] or [(2) Was] was recognized by the Board of Dental Examiners, on or before [the effective date of these regulations] *June 19, 1974*, as a dental assistant qualified in orthodontics.

B.—C. (text unchanged)

*10.44.01.05 (December 7, 2015)*

**.05 Dental Assistants Recognized as Qualified in General Duties.**

A. A dentist may use the services of a dental assistant to perform certain duties if the dental assistant:

*(1) Has successfully completed a Board-approved course of at least 35 hours related to Maryland general duties dental assisting; and*

[(1)] (2) Is certified by the Dental Assisting National Board as qualified in general duties[;] or [(2) Was] was recognized by the Board of Dental Examiners, on or before [the effective date of these regulations] *June 19, 1974*, as a dental assistant qualified in general duties.

B.—C. (text unchanged)

**VAN T. MITCHELL**

**Secretary of Health and Mental Hygiene**