

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Department of Health and Mental Hygiene  
(DLS Control No. 16-008)**

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**Overview and Legal and Fiscal Impact**

The regulations authorize a dentist to use the services of a dental assistant to perform specified duties relating to orthodontics, if the dental assistant has successfully completed a course approved by the State Board of Dental Examiners of at least 35 hours related to orthodontic dental assisting. In addition, the regulations authorize a dentist to use the services of a dental assistant to perform general duties relating to specified intraoral tasks, if the dental assistant has successfully completed a course approved by the board of at least 35 hours related to dental assisting general duties.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

**Regulations of COMAR Affected**

**Department of Health and Mental Hygiene:**

Board of Dental Examiners: Dental Assistants: COMAR 10.44.01.04 and .05

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**Legal Analysis**

**Summary of Regulations**

The regulations authorize a dentist to use the services of a dental assistant to perform specified duties relating to orthodontics, if the dental assistant has successfully completed a course approved by the board of at least 35 hours related to orthodontic dental assisting. In addition, the regulations authorize a dentist to use the services of a dental assistant to perform general duties relating to specified intraoral tasks, if the dental assistant has successfully completed a course approved by the board of at least 35 hours related to dental assisting general duties.

**Legal Issues**

The regulations present no legal issues of concern.

**Statutory Authority and Legislative Intent**

The Department of Health and Mental Hygiene cites § 4-205 of the Health Occupations Article as statutory authority for the regulations. Section 4-205 requires the board to adopt

regulations to carry out specified provisions of law, including adopting regulations governing the use of a dental assistant by a licensed dentist in performing intraoral procedures.

This authority is correct and complete. The regulations comply 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 regulations require an applicant for recognition as a dental assistant qualified in orthodontics to complete a course that is approved by the State Board of Dental Examiners and that consists of at least 35 hours related to Maryland orthodontic dental assisting. Additionally, the regulations require an applicant for recognition as a dental assistant qualified in general duties to complete a board-approved course of at least 35 hours related to Maryland general duties dental assisting. The department advises that the regulations implement 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 regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

## **Contact Information**

**Legal Analysis:** Lynne Blume Rosen – (410) 946/(301) 970-5350

**Fiscal Analysis:** Sasika Subramaniam – (410) 946/(301) 970-5510