
By: Senator Hollinger

Introduced and read first time: January 31, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Dental Examiners - Dentist Rehabilitation Committee - Funding**

3 FOR the purpose of requiring the State Board of Dental Examiners to use certain fees
4 set, collected, and distributed to the State Board of Dental Examiners Fund to fund
5 the budget of a dentist rehabilitation committee under certain circumstances; and
6 defining a certain term.

7 BY repealing and reenacting, with amendments,
8 Article - Health Occupations
9 Section 4-207 and 4-501
10 Annotated Code of Maryland
11 (1994 Replacement Volume and 1995 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Health Occupations**

15 4-207.

16 (a) There is a State Board of Dental Examiners Fund.

17 (b) (1) The Board may set reasonable fees for the issuance and renewal of
18 licenses and its other services.

19 (2) The fees charged shall be set so as to approximate the cost of
20 maintaining the Board.

21 (3) Funds to cover the compensation and expenses of the Board members
22 shall be generated by fees set under this section.

23 (c) (1) The Board shall pay all funds collected under this title to the
24 Comptroller of the State.

25 (2) The Comptroller shall distribute the fees to the State Board of Dental
26 Examiners Fund.

27 (d) (1) The Fund shall be used to cover the actual documented direct and
28 indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by
29 the provisions of this article.

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1 (2) The Fund is a continuing nonlapsing fund, not subject to § 7-302 of the
2 State Finance and Procurement Article.

3 (3) Any unspent portions of the Fund may not be transferred or revert to
4 the General Fund of the State, but shall remain in the fund to be used for the purposes
5 specified in this article.

6 (4) No other State money may be used to support the Fund.

7 (E) (1) IN ADDITION TO THE PROVISIONS OF SUBSECTION (D) OF THIS
8 SECTION, THE BOARD SHALL FUND THE BUDGET OF A DENTIST REHABILITATION
9 COMMITTEE, AS DEFINED IN § 4-501 OF THIS TITLE, WITH FEES SET, COLLECTED, AND
10 DISTRIBUTED TO THE FUND UNDER THIS TITLE.

11 (2) AFTER REVIEW AND APPROVAL BY THE BOARD OF A BUDGET
12 SUBMITTED BY A DENTIST REHABILITATION COMMITTEE, THE BOARD MAY
13 ALLOCATE MONIES FROM THE FUND TO THE DENTIST REHABILITATION
14 COMMITTEE.

15 [(e)] (F) (1) A designee of the Board shall administer the Fund.

16 (2) Moneys in the Fund may be expended only for any lawful purpose
17 authorized under the provisions of this article.

18 [(f)] (G) The Legislative Auditor shall audit the accounts and transactions of the
19 Fund as provided in § 2-1215 of the State Government Article.

20 4-501.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) "Dental review committee" means a committee or board that:

23 (i) Is within one of the categories described in subsection (b) of this
24 section; and

25 (ii) Performs any of the functions listed in subsection (c) of this
26 section.

27 (3) "DENTAL REHABILITATION COMMITTEE" MEANS A DENTAL REVIEW
28 COMMITTEE THAT PERFORMS ANY OF THE FUNCTIONS DESCRIBED IN SUBSECTION
29 (C)(5) OF THIS SECTION.

30 [(3)] (4) "Provider of dental care" means any person who is licensed by law
31 to provide dental care to individuals.

32 (b) For purposes of this section, a dental review committee is:

33 (1) A regulatory board or agency established by State or federal law to
34 license, certify, or discipline any provider of dental care;

35 (2) A committee of the Maryland State Dental Association, the Maryland
36 Dental Society or any of their component societies, or a committee of any other
37 professional society or association composed of providers of dental care;

1 (3) A committee of the medical staff or other committee of a hospital or
2 related institution, if the governing board of the hospital or related institution forms and
3 approves the committee or approves the written bylaws under which the committee
4 operates;

5 (4) Any person, including a professional standard review organization, who
6 contracts with an agency of this State or of the federal government to perform any of the
7 functions listed in subsection (c) of this section; or

8 (5) Any person who contracts with a provider of dental care to perform any
9 of those functions listed in subsection (c) of this section that are limited to the review of
10 services provided by the provider of dental care.

11 (c) For purposes of this section, a dental review committee:

12 (1) Evaluates and seeks to improve the quality of dental care provided by
13 providers of dental care;

14 (2) Evaluates the need for and the level of performance of dental care
15 provided by providers of dental care;

16 (3) Evaluates the qualifications, competence, and performance of providers
17 of dental care;

18 (4) Evaluates and acts on matters that relate to the discipline of any
19 provider of dental care; or

20 (5) Evaluates and provides assistance to any provider of dental care in need
21 of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or
22 other physical, emotional, or mental condition.

23 (d) Except as otherwise provided in this section, the proceedings, records, and
24 files of a dental review committee are not discoverable and are not admissible in evidence
25 in any civil action arising out of matters that are being reviewed and evaluated by the
26 dental review committee.

27 (e) Subsection (d) of this section does not apply to:

28 (1) A civil action brought by a party to the proceedings of the dental review
29 committee who claims to be aggrieved by the decision of the dental review committee; or

30 (2) Any record or document that is considered by the dental review
31 committee and that otherwise would be subject to discovery and introduction into
32 evidence in a civil trial.

33 (f) A person who acts in good faith and within the scope of jurisdiction of a
34 dental review committee is not civilly liable for any action as a member of the dental
35 review committee or for giving information to, participating in, or contributing to the
36 function of the dental review committee.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 1996.