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**By: Delegates Owings, Hubbard, DeCarlo, D. Davis, Workman, Mossburg, and Ciliberti**

Introduced and read first time: January 31, 1997

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1997

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Health Occupations - Dental Hygienists**

3 FOR the purpose of altering the education requirements for an applicant for a license to  
4 practice dental hygiene; altering the information that an applicant for a license to  
5 practice dental hygiene must submit to the Board of Dental Examiners (Board);  
6 altering the education requirements for applicants who fail a certain examination a  
7 certain number of times; altering the required qualifications for an applicant for a  
8 temporary license to practice dental hygiene; authorizing the Board to maintain an  
9 action to enjoin the unauthorized practice of dental hygiene; and generally relating  
10 to dental hygienists.

11 BY repealing and reenacting, with amendments,  
12 Article - Health Occupations  
13 Section 4-302(e), 4-304(c), 4-305(f), 4-312(a), and 4-320  
14 Annotated Code of Maryland  
15 (1994 Replacement Volume and 1996 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article - Health Occupations  
18 Section 4-305(a)  
19 Annotated Code of Maryland  
20 (1994 Replacement Volume and 1996 Supplement)

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

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1 **Article - Health Occupations**

2 4-302.

3 (e) To qualify for a license to practice dental hygiene, the applicant shall be a  
4 graduate of a school for dental hygienists that:

5 (1) Requires at least 2 years of [study] EDUCATION ~~CONSISTING OF~~  
6 ~~CREDITS THAT CAN BE TRANSFERRED INTO A 4 YEAR ACCREDITED COLLEGE OR~~  
7 ~~UNIVERSITY IN AN INSTITUTION OF HIGHER EDUCATION;~~

8 (2) IS ACCREDITED BY THE AMERICAN DENTAL ASSOCIATION  
9 COMMISSION ON DENTAL ACCREDITATION; and

10 [(2)] (3) Is approved by the Board.

11 4-304.

12 (c) (1) At least 30 days before the examination, an applicant for a general  
13 license to practice dental hygiene shall submit the application to the Board.

14 (2) In addition to the other requirements of this section, an applicant for a  
15 license to practice dental hygiene shall submit to the Board:

16 (i) Satisfactory evidence of graduation from [an approved school for  
17 dental hygienists] A DENTAL HYGIENE PROGRAM ACCREDITED BY THE AMERICAN  
18 DENTAL ASSOCIATION COMMISSION ON DENTAL ACCREDITATION; and

19 (ii) Any other credentials that the Board requires.

20 4-305.

21 (a) An applicant who otherwise qualifies for a general license to practice dentistry  
22 or a general license to practice dental hygiene is entitled to be examined as provided in  
23 this section.

24 (f) (1) An applicant who fails an examination twice shall complete 40 hours of  
25 additional [training] EDUCATION in an accredited school of dentistry or A dental  
26 hygiene PROGRAM ACCREDITED BY THE AMERICAN DENTAL ASSOCIATION  
27 COMMISSION ON DENTAL ACCREDITATION, as appropriate, before the applicant may  
28 retake the examination.

29 (2) An applicant who fails an examination 3 times shall retake and  
30 successfully complete the senior year of [training] EDUCATION at an accredited school  
31 of dentistry or A dental hygiene PROGRAM ACCREDITED BY THE AMERICAN DENTAL  
32 ASSOCIATION COMMISSION ON DENTAL ACCREDITATION, as appropriate, before the  
33 applicant may retake the examination.

34 (3) An applicant who fails an examination 4 times may not be reexamined.

35 4-312.

36 (a) Subject to the provisions of this section, the Board may issue a temporary  
37 license to practice dental hygiene to an applicant who:

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1 (1) Is licensed to practice dental hygiene in any other state or any province  
2 of Canada;

3 (2) Meets any other qualifications that the Board establishes;

4 (3) Submits to the Board an application on the form that the Board  
5 requires;

6 (4) HAS GRADUATED FROM A DENTAL HYGIENE PROGRAM  
7 ACCREDITED BY THE AMERICAN DENTAL ASSOCIATION COMMISSION ON DENTAL  
8 ACCREDITATION; and

9 [(4)] (5) Pays to the Board an application fee set by the Board.

10 4-320.

11 (a) An action may be maintained in the name of this State or the Board to enjoin:

12 (1) Unauthorized practice of dentistry OR DENTAL HYGIENE;

13 (2) Conduct that is a ground for disciplinary action under § 4-315(a) of this  
14 subtitle;

15 (3) Conduct that violates any prohibition in Subtitle 4 of this title, which  
16 relates to dental laboratory work; or

17 (4) Conduct that violates the practice limitations of § 4-603 of this title.

18 (b) An action under this section may be brought by:

19 (1) The Board, in its own name;

20 (2) The Attorney General, in the name of this State; or

21 (3) A State's Attorney, in the name of this State.

22 (c) An action under this section shall be brought in the county where the  
23 defendant:

24 (1) Resides; or

25 (2) Engages in the acts sought to be enjoined.

26 (d) Proof of actual damage or that any person will sustain any damage if an  
27 injunction is not granted is not required for an action under this section.

28 (e) An action under this section is in addition to and not instead of criminal  
29 prosecution for unauthorized practice of dentistry under § 4-601 of this title or  
30 disciplinary action under § 4-315 of this subtitle.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 1997.

