

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL NO. 209

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “term;” insert “altering a certain definition;”; strike beginning with “; subjecting” in line 5 down through “Board” in line 7 and substitute “and a certain dental hygienist rehabilitation committee”; in the same line, strike “certain members of the” and substitute “members for a certain dentist rehabilitation”; in line 8, after “Association” insert “and the Maryland Dental Hygienists’ Association”; in lines 9 and 10, in each instance, strike “committee” and substitute “committees”; in line 12, after “Board;” insert “requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date;”; in line 17, after “4-501,” insert “4-508,”; and after line 24, insert:

“BY repealing and reenacting, with amendments,

Article - State Government

Section 8-403(c)

Annotated Code of Maryland

(1995 Replacement Volume and 1998 Supplement)

BY repealing and reenacting, without amendments,

Article - State Government

Section 8-403(e)

Annotated Code of Maryland

(1995 Replacement Volume and 1998 Supplement)

BY adding to

Article - State Government

Section 8-403(k)

Annotated Code of Maryland

(1995 Replacement Volume and 1998 Supplement)”.

(Over)

AMENDMENT NO. 2

On page 3, in line 11, strike “the” and substitute “:

(I) THE”;

in line 13, after “title” insert “; AND

(II) THE BUDGET OF A DENTAL HYGIENIST REHABILITATION COMMITTEE, AS DEFINED IN § 4-508 OF THIS TITLE, WITH FEES SET, COLLECTED, AND DISTRIBUTED TO THE FUND UNDER THIS TITLE”;

and after line 16, insert:

“(3) AFTER REVIEW AND APPROVAL BY THE BOARD OF A BUDGET SUBMITTED BY THE MARYLAND DENTAL HYGIENISTS' ASSOCIATION FOR A DENTAL HYGIENIST REHABILITATION COMMITTEE, THE BOARD MAY ALLOCATE MONEYS FROM THE FUND TO A DENTAL HYGIENIST REHABILITATION COMMITTEE.”.

On page 4, after line 7, insert:

“(4) A COMMITTEE OF THE MARYLAND DENTAL HYGIENISTS' ASSOCIATION, OR ANY OF ITS COMPONENT SOCIETIES, INCLUDING A DENTAL HYGIENIST REHABILITATION COMMITTEE AS DEFINED IN § 4-508 OF THIS SUBTITLE;”;

and in lines 8, 10, 14, and 17, strike “(4)”, “(5)”, “(6)”, and “(7)”, respectively, and substitute “(5)”, “(6)”, “(7)”, and “(8)”, respectively.

On page 5, in line 17, after “(B)” insert “(1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION,”; strike beginning with “, SUBJECT” in line 18 down through “BOARD” in line 19; in line 20, strike “(C)” and substitute “(2)”; in lines 22 and 24, strike “(D)” and “(E)”, respectively, and substitute “(C)” and “(D)”; after line 26, insert:

“4-508.

(a) In this section “dental hygienist rehabilitation committee” means [a committee that:

(1) Is defined in subsection (b) of this section; and

(2) Performs any of the functions listed in subsection (d) of this section.

(b) For the purposes of this section, a dental hygienist rehabilitation committee is a committee of the Board or of the Dental Hygienists' Association that:

(1) Is recognized by the Board; and

(2) Includes but is not limited to dental hygienists.

(c) A rehabilitation committee of the Board or recognized by the Board may function:

(1) Solely for dental hygienists; or

(2) Jointly with a rehabilitation committee representing another board or boards.

(d) For purposes of this section, a dental hygienist rehabilitation committee| THE COMMITTEE OF THE MARYLAND DENTAL HYGIENISTS' ASSOCIATION THAT evaluates and provides assistance to any dental hygienist in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

(B) THE MARYLAND DENTAL HYGIENISTS' ASSOCIATION SHALL APPOINT THE MEMBERS OF THE DENTAL HYGIENIST REHABILITATION COMMITTEE.

(C) THE BOARD SHALL FUND THE BUDGET OF THE DENTAL HYGIENIST REHABILITATION COMMITTEE AS PROVIDED IN § 4-207 OF THIS TITLE.

(D) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND TRANSACTIONS OF THE DENTAL HYGIENIST REHABILITATION COMMITTEE AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

(e) (1) Except as otherwise provided in this subsection, the proceedings, records, and files of the dental hygienist rehabilitation committee are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being or have been reviewed and evaluated

(Over)

by the dental hygienist rehabilitation committee.

(2) Paragraph (1) of this subsection does not apply to any record or document that is considered by the dental hygienist rehabilitation committee and that otherwise would be subject to discovery or introduction into evidence in a civil action.

(3) For purposes of this subsection, civil action does not include a proceeding before the Board or judicial review of a proceeding before the Board.

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

in line 30, strike “2003” and substitute “2013”; and after line 30, insert:

“Article - State Government

8-403.

(c) Except as otherwise provided in subsection (e) of this section, on or before July 1, 2002, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(1) Board of Boiler Rules (Article 48, § 169 of the Code);

[(2) State Board of Dental Examiners (§ 4-201 of the Health Occupations Article);]

[(3)] (2) Board of Examining Engineers (§ 4-1 of the Public Local Laws of Baltimore City);

[(4)] (3) State Health Services Cost Review Commission (§ 19-202 of the Health - General Article);

[(5)] (4) Insurance Commissioner and Administration (§§ 2-101 and 2-103 of the Insurance Article);

[(6)] (5) State Board of Examiners of Landscape Architects (§ 9-201 of the Business Occupations and Professions Article);

[(7)] (6) State Board of Master Electricians (§ 6-201 of the Business Occupations and Professions Article);

[(8)] (7) State Board of Physician Quality Assurance (§ 14-201 of the Health Occupations Article);

[(9)] (8) State Board of Nursing (§ 8-201 of the Health Occupations Article);

[(10)] (9) State Board of Examiners of Nursing Home Administrators (§ 9-201 of the Health Occupations Article);

[(11)] (10) State Board of Examiners in Optometry (§ 11-201 of the Health Occupations Article);

[(12)] (11) State Board of Pharmacy (§ 12-201 of the Health Occupations Article);

[(13)] (12) State Board of Plumbing (§ 12-201 of the Business Occupations and Professions Article);

[(14)] (13) State Board for Professional Engineers (§ 14-201 of the Business Occupations and Professions Article);

[(15)] (14) State Board for Professional Land Surveyors (§ 15-201 of the Business Occupations and Professions Article);

[(16)] (15) State Board of Examiners of Psychologists (§ 18-201 of the Health Occupations Article);

(Over)

[(17)] (16) State Board of Environmental Sanitarians (§ 11-201 of the Environment Article);

[(18)] (17) State Health Resources Planning Commission (§ 19-103 of the Health - General Article);

[(19)] (18) State Economic Growth, Resource Protection and Planning Commission (§ 5-701 of the State Finance and Procurement Article);

[(20)] (19) State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors (§ 9A-101 of the Business Regulation Article); and

[(21)] (20) State Board of Architects (§ 3-101 of the Business Occupations and Professions Article).

(e) On or before November 30 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(K) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (E) OF THIS SECTION, ON OR BEFORE JULY 1, 2012, AN EVALUATION SHALL BE MADE OF THE STATE BOARD OF DENTAL EXAMINERS AND THE REGULATIONS THAT RELATE TO THE STATE BOARD OF DENTAL EXAMINERS.”.