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16 17

1999 Regular Session (9lr0947)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

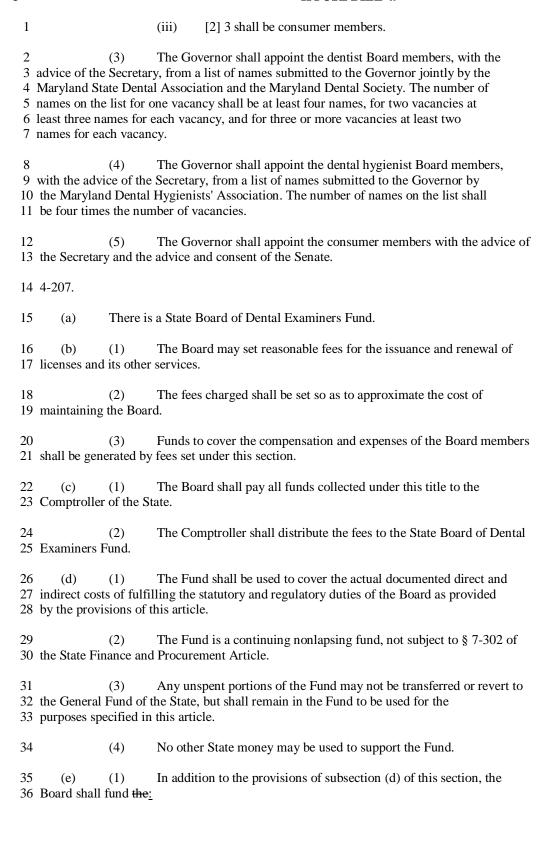
Introduced by Chairman, Environmental Matters

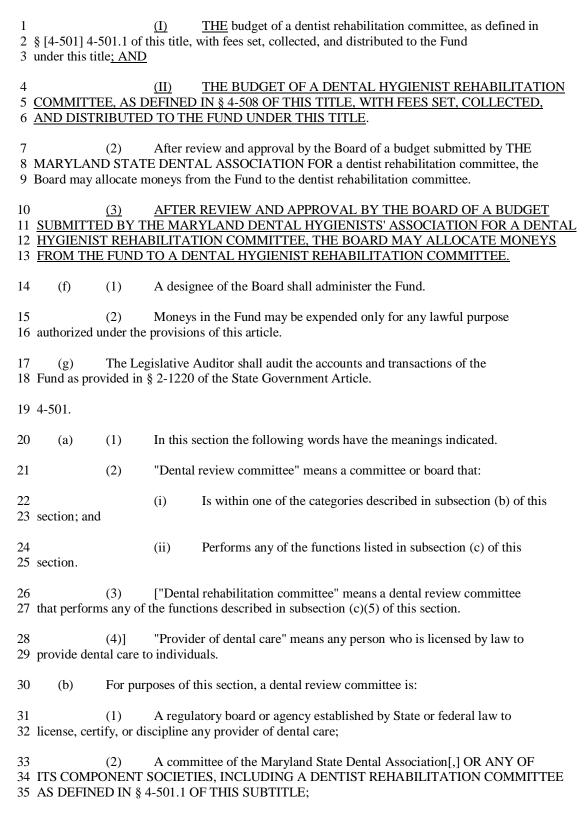
	Read and Examined by Proofreaders:	
		Proofreader.
Seale	d with the Great Seal and presented to the Governor, for his approval thisday of at o'clock,M.	Proofreader.
		Speaker.
	CHAPTER	
1 A	AN ACT concerning	
2	State Board of Dental Examiners	
3 F	FOR the purpose of increasing the number of consumer members appointed to the	
4	State Board of Dental Examiners; defining a certain term; <u>altering a certain</u>	
5	definition; requiring the Board to fund a certain dentist rehabilitation	
6 7	committee and a certain dental hygienist rehabilitation committee; subjecting the actions and membership of the committee to the approval of the Secretary of	
8	the Department of Health and Mental Hygiene providing for the appointment of	
9	members for a certain dentist rehabilitation committee; requiring the Maryland	
10	State Dental Association and the Maryland Dental Hygienists' Association to	
11	submit a budget to the Board for the eommittee committees; requiring the	
12	Legislative Auditor to audit the accounts and transactions of the committee	
13	committees; continuing the State Board of Dental Examiners by extending to a	
14	certain date the termination provisions relating to the statutory and regulatory	
15	authority of the Board; requiring that an evaluation of the Board and the	

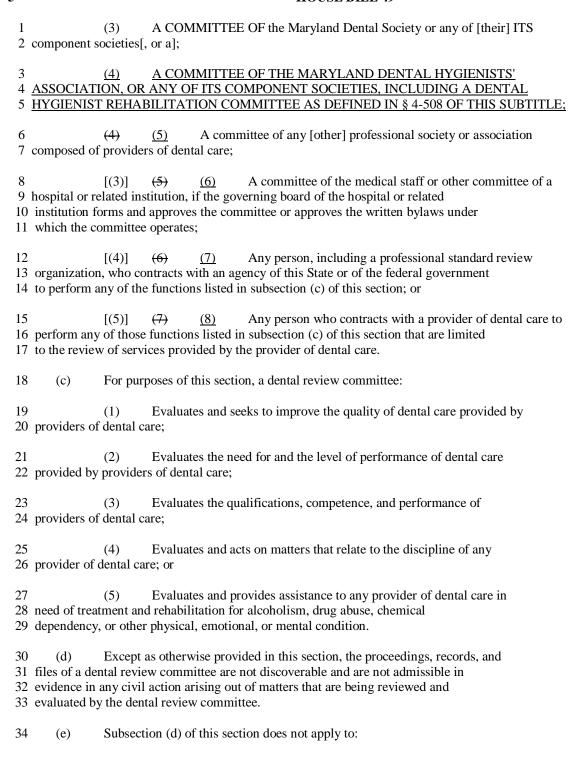
statutes and regulations that relate to the Board be performed on or before a

certain date; requiring the Board to submit a certain report on or before a

1 certain date; and generally relating to the State Board of Dental Examiners. 2 BY repealing and reenacting, with amendments, Article - Health Occupations 3 4 Section 4-202(a), 4-207, 4-501, <u>4-508</u>, and 4-702 5 Annotated Code of Maryland (1994 Replacement Volume and 1998 Supplement) 6 7 BY adding to Article - Health Occupations 8 9 Section 4-501.1 Annotated Code of Maryland 10 (1994 Replacement Volume and 1998 Supplement) 11 12 BY repealing and reenacting, with amendments, 13 Article - State Government 14 Section 8-403(c) 15 Annotated Code of Maryland 16 (1995 Replacement Volume and 1998 Supplement) 17 BY repealing and reenacting, without amendments, Article - State Government 18 19 Section 8-403(e) Annotated Code of Maryland 20 (1995 Replacement Volume and 1998 Supplement) 21 22 BY adding to Article - State Government 23 24 Section 8-403(k) 25 Annotated Code of Maryland (1995 Replacement Volume and 1998 Supplement) 26 27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 28 MARYLAND, That the Laws of Maryland read as follows: 29 **Article - Health Occupations** 30 4-202. 31 (1) The Board consists of [14] 15 members. (a) 32 Of the [14] 15 Board members: (2) 9 shall be licensed dentists; 33 (i) 34 (ii) 3 shall be licensed dental hygienists; and







1 A civil action brought by a party to the proceedings of the dental (1) 2 review committee who claims to be aggrieved by the decision of the dental review 3 committee: or 4 Any record or document that is considered by the dental review (2) 5 committee and that otherwise would be subject to discovery and introduction into 6 evidence in a civil trial. 7 (f) A person who acts in good faith and within the scope of jurisdiction of a 8 dental review committee is not civilly liable for any action as a member of the dental 9 review committee or for giving information to, participating in, or contributing to the 10 function of the dental review committee. 11 4-501.1. 12 (A) IN THIS SECTION, "DENTIST REHABILITATION COMMITTEE" MEANS THE 13 COMMITTEE OF THE MARYLAND STATE DENTAL ASSOCIATION THAT EVALUATES 14 AND PROVIDES ASSISTANCE TO ANY PROVIDER OF DENTAL CARE IN NEED OF 15 TREATMENT AND REHABILITATION FOR ALCOHOLISM, DRUG ABUSE, CHEMICAL 16 DEPENDENCY, OR OTHER PHYSICAL, EMOTIONAL, OR MENTAL CONDITION. SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS 17 SUBSECTION, THE MARYLAND STATE DENTAL ASSOCIATION SHALL APPOINT THE 18 19 MEMBERS OF THE DENTIST REHABILITATION COMMITTEE, SUBJECT TO THE 20 APPROVAL OF THE SECRETARY. 21 AT LEAST ONE MEMBER OF THE DENTIST REHABILITATION 22 COMMITTEE SHALL BE A MEMBER OF THE MARYLAND DENTAL SOCIETY. THE ACTIONS OF THE DENTIST REHABILITATION COMMITTEE ARE 23 (C) 24 SUBJECT TO THE APPROVAL OF THE SECRETARY. 25 THE BOARD SHALL FUND THE BUDGET OF THE DENTIST 26 REHABILITATION COMMITTEE AS PROVIDED IN § 4-207 OF THIS TITLE. 27 (E) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND (D) 28 TRANSACTIONS OF THE DENTIST REHABILITATION COMMITTEE AS PROVIDED IN § 29 2-1220 OF THE STATE GOVERNMENT ARTICLE. 30 <u>4-508.</u> 31 In this section "dental hygienist rehabilitation committee" means [a (a) 32 committee that: 33 <u>(1)</u> Is defined in subsection (b) of this section; and 34 Performs any of the functions listed in subsection (d) of this section. **(2)** For the purposes of this section, a dental hygienist rehabilitation 35 36 committee is a committee of the Board or of the Dental Hygienists' Association that:

30 proceeding before the Board or judicial review of a proceeding before the Board.

32 <u>dental hygienist rehabilitation committee is not civilly liable for any action as a</u>
33 <u>member of the dental hygienist rehabilitation committee or for giving information to,</u>
34 participating in, or contributing to the function of the rehabilitation committee.

A person who acts in good faith and within the scope of jurisdiction of a

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33 Article);

[(10)]

[(11)]

[(12)]

31 Occupations Article);

29 9-201 of the Health Occupations Article);

(9)

(10)

(11)

State Board of Examiners of Nursing Home Administrators (§

State Board of Examiners in Optometry (§ 11-201 of the Health

State Board of Pharmacy (§ 12-201 of the Health Occupations

1 4-702. 2 Subject to the evaluation and reestablishment provisions of the Program 3 Evaluation Act, this title and all rules and regulations adopted under this title shall 4 terminate and be of no effect after July 1, [1999] 2013 2006. 5 **Article - State Government** 6 8-403. 7 Except as otherwise provided in subsection (e) of this section, on or before 8 July 1, 2002, an evaluation shall be made of the following governmental activities or 9 units and the statutes and regulations that relate to the governmental activities or 11 (1) Board of Boiler Rules (Article 48, § 169 of the Code); 12 [(2)]State Board of Dental Examiners (§ 4-201 of the Health Occupations 13 Article);] Board of Examining Engineers (§ 4-1 of the Public Local Laws 14 [(3)](2) 15 of Baltimore City); State Health Services Cost Review Commission (§ 19-202 of the [(4)](3)17 Health - General Article); [(5)](4) Insurance Commissioner and Administration (§§ 2-101 and 19 2-103 of the Insurance Article); 20 [(6)](5) State Board of Examiners of Landscape Architects (§ 9-201 of 21 the Business Occupations and Professions Article); 22 State Board of Master Electricians (§ 6-201 of the Business [(7)](6)23 Occupations and Professions Article); State Board of Physician Quality Assurance (§ 14-201 of the 24 [(8)](7) 25 Health Occupations Article); State Board of Nursing (§ 8-201 of the Health Occupations 26 [(9)](8) 27 Article);

- 1 [(13)] (12) State Board of Plumbing (§ 12-201 of the Business Occupations 2 and Professions Article):
- 3 [(14)] (13) State Board for Professional Engineers (§ 14-201 of the
- 4 Business Occupations and Professions Article);
- 5 [(15)] (14) State Board for Professional Land Surveyors (§ 15-201 of the
- 6 Business Occupations and Professions Article);
- 7 [(16)] (15) State Board of Examiners of Psychologists (§ 18-201 of the
- 8 Health Occupations Article);
- 9 [(17)] (16) State Board of Environmental Sanitarians (§ 11-201 of the
- 10 Environment Article);
- 11 [(18)] (17) State Health Resources Planning Commission (§ 19-103 of the
- 12 Health General Article);
- 13 [(19)] (18) State Economic Growth, Resource Protection and Planning
- 14 Commission (§ 5-701 of the State Finance and Procurement Article);
- 15 [(20)] (19) State Board of Heating, Ventilation, Air-Conditioning, and
- 16 Refrigeration Contractors (§ 9A-101 of the Business Regulation Article); and
- 17 [(21)] (20) State Board of Architects (§ 3-101 of the Business Occupations
- 18 and Professions Article).
- 19 (e) On or before November 30 of the 2nd year before the evaluation date of a
- 20 governmental activity or unit, the Legislative Policy Committee, based on a
- 21 preliminary evaluation, may waive as unnecessary the evaluation required under this
- 22 section.
- 23 (K) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (E) OF THIS SECTION,
- 24 ON OR BEFORE JULY 1, $\frac{2012}{2005}$, AN EVALUATION SHALL BE MADE OF THE STATE
- 25 BOARD OF DENTAL EXAMINERS AND THE REGULATIONS THAT RELATE TO THE STATE
- 26 BOARD OF DENTAL EXAMINERS.
- 27 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Dental
- 28 Examiners shall report to the Senate Economic and Environmental Affairs
- 29 Committee and the House Environmental Matters Committee on or before October 1,
- 30 1999, in accordance with § 2-1246 of the State Government Article, on the
- 31 implementation of the recommendations of the Department of Legislative Services
- 32 contained in the sunset evaluation report dated October 31, 1998.
- 33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 34 July 1, 1999.