
By: **Chairman, Environmental Matters**
Introduced and read first time: January 18, 1999
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 2, 1999

CHAPTER _____

1 AN ACT concerning

2 **State Board of Dental Examiners**

3 FOR the purpose of increasing the number of consumer members appointed to the
4 State Board of Dental Examiners; defining a certain term; altering a certain
5 definition; requiring the Board to fund a certain dentist rehabilitation
6 committee and a certain dental hygienist rehabilitation committee; ~~subjecting~~
7 ~~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 ~~committee~~ 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
16 statutes and regulations that relate to the Board be performed on or before a
17 certain date; requiring the Board to submit a certain report on or before a
18 certain date; and generally relating to the State Board of Dental Examiners.

19 BY repealing and reenacting, with amendments,
20 Article - Health Occupations
21 Section 4-202(a), 4-207, 4-501, 4-508, and 4-702
22 Annotated Code of Maryland
23 (1994 Replacement Volume and 1998 Supplement)

24 BY adding to
25 Article - Health Occupations

1 Section 4-501.1
2 Annotated Code of Maryland
3 (1994 Replacement Volume and 1998 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - State Government
6 Section 8-403(c)
7 Annotated Code of Maryland
8 (1995 Replacement Volume and 1998 Supplement)

9 BY repealing and reenacting, without amendments,
10 Article - State Government
11 Section 8-403(e)
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1998 Supplement)

14 BY adding to
15 Article - State Government
16 Section 8-403(k)
17 Annotated Code of Maryland
18 (1995 Replacement Volume and 1998 Supplement)

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

21 **Article - Health Occupations**

22 4-202.

23 (a) (1) The Board consists of [14] 15 members.

24 (2) Of the [14] 15 Board members:

25 (i) 9 shall be licensed dentists;

26 (ii) 3 shall be licensed dental hygienists; and

27 (iii) [2] 3 shall be consumer members.

28 (3) The Governor shall appoint the dentist Board members, with the
29 advice of the Secretary, from a list of names submitted to the Governor jointly by the
30 Maryland State Dental Association and the Maryland Dental Society. The number of
31 names on the list for one vacancy shall be at least four names, for two vacancies at
32 least three names for each vacancy, and for three or more vacancies at least two
33 names for each vacancy.

1 (4) The Governor shall appoint the dental hygienist Board members,
2 with the advice of the Secretary, from a list of names submitted to the Governor by
3 the Maryland Dental Hygienists' Association. The number of names on the list shall
4 be four times the number of vacancies.

5 (5) The Governor shall appoint the consumer members with the advice of
6 the Secretary and the advice and consent of the Senate.

7 4-207.

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

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

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

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

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

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

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

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

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

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

28 (e) (1) In addition to the provisions of subsection (d) of this section, the
29 Board shall fund ~~the~~:

30 (I) THE budget of a dentist rehabilitation committee, as defined in
31 § [4-501] 4-501.1 of this title, with fees set, collected, and distributed to the Fund
32 under this title; AND

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

1 (2) After review and approval by the Board of a budget submitted by THE
2 MARYLAND STATE DENTAL ASSOCIATION FOR a dentist rehabilitation committee, the
3 Board may allocate moneys from the Fund to the dentist rehabilitation committee.

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

8 (f) (1) A designee of the Board shall administer the Fund.

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

11 (g) The Legislative Auditor shall audit the accounts and transactions of the
12 Fund as provided in § 2-1220 of the State Government Article.

13 4-501.

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

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

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

18 (ii) Performs any of the functions listed in subsection (c) of this
19 section.

20 (3) ["Dental rehabilitation committee" means a dental review committee
21 that performs any of the functions described in subsection (c)(5) of this section.

22 (4)] "Provider of dental care" means any person who is licensed by law to
23 provide dental care to individuals.

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

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

27 (2) A committee of the Maryland State Dental Association[,] OR ANY OF
28 ITS COMPONENT SOCIETIES, INCLUDING A DENTIST REHABILITATION COMMITTEE
29 AS DEFINED IN § 4-501.1 OF THIS SUBTITLE;

30 (3) A COMMITTEE OF the Maryland Dental Society or any of [their] ITS
31 component societies[, or a];

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

1 ~~(4)~~ (5) A committee of any [other] professional society or association
2 composed of providers of dental care;

3 [(3)] ~~(5)~~ (6) A committee of the medical staff or other committee of a
4 hospital or related institution, if the governing board of the hospital or related
5 institution forms and approves the committee or approves the written bylaws under
6 which the committee operates;

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

10 [(5)] ~~(7)~~ (8) Any person who contracts with a provider of dental care to
11 perform any of those functions listed in subsection (c) of this section that are limited
12 to the review of services provided by the provider of dental care.

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

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

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

18 (3) Evaluates the qualifications, competence, and performance of
19 providers of dental care;

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

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

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

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

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

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

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

5 4-501.1.

6 (A) IN THIS SECTION, "DENTIST REHABILITATION COMMITTEE" MEANS THE
 7 COMMITTEE OF THE MARYLAND STATE DENTAL ASSOCIATION THAT EVALUATES
 8 AND PROVIDES ASSISTANCE TO ANY PROVIDER OF DENTAL CARE IN NEED OF
 9 TREATMENT AND REHABILITATION FOR ALCOHOLISM, DRUG ABUSE, CHEMICAL
 10 DEPENDENCY, OR OTHER PHYSICAL, EMOTIONAL, OR MENTAL CONDITION.

11 (B) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS
 12 SUBSECTION, THE MARYLAND STATE DENTAL ASSOCIATION SHALL APPOINT THE
 13 MEMBERS OF THE DENTIST REHABILITATION COMMITTEE, SUBJECT TO THE
 14 APPROVAL OF THE SECRETARY.

15 (2) AT LEAST ONE MEMBER OF THE DENTIST REHABILITATION
 16 COMMITTEE SHALL BE A MEMBER OF THE MARYLAND DENTAL SOCIETY.

17 ~~(C) THE ACTIONS OF THE DENTIST REHABILITATION COMMITTEE ARE~~
 18 ~~SUBJECT TO THE APPROVAL OF THE SECRETARY.~~

19 ~~(D)~~ (C) THE BOARD SHALL FUND THE BUDGET OF THE DENTIST
 20 REHABILITATION COMMITTEE AS PROVIDED IN § 4-207 OF THIS TITLE.

21 ~~(E)~~ (D) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND
 22 TRANSACTIONS OF THE DENTIST REHABILITATION COMMITTEE AS PROVIDED IN §
 23 2-1220 OF THE STATE GOVERNMENT ARTICLE.

24 4-508.

25 (a) In this section "dental hygienist rehabilitation committee" means [a
 26 committee that:

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

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

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

31 (1) Is recognized by the Board; and

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

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

35 (1) Solely for dental hygienists; or

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

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

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

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

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

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

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

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

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

30 4-702.

31 Subject to the evaluation and reestablishment provisions of the Program
32 Evaluation Act, this title and all rules and regulations adopted under this title shall
33 terminate and be of no effect after July 1, [1999] 2013.

34 **Article - State Government**

35 8-403.

36 (c) Except as otherwise provided in subsection (e) of this section, on or before
37 July 1, 2002, an evaluation shall be made of the following governmental activities or

1 units and the statutes and regulations that relate to the governmental activities or
2 units:

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

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

6 [(3)] (2) Board of Examining Engineers (§ 4-1 of the Public Local Laws
7 of Baltimore City);

8 [(4)] (3) State Health Services Cost Review Commission (§ 19-202 of the
9 Health - General Article);

10 [(5)] (4) Insurance Commissioner and Administration (§§ 2-101 and
11 2-103 of the Insurance Article);

12 [(6)] (5) State Board of Examiners of Landscape Architects (§ 9-201 of
13 the Business Occupations and Professions Article);

14 [(7)] (6) State Board of Master Electricians (§ 6-201 of the Business
15 Occupations and Professions Article);

16 [(8)] (7) State Board of Physician Quality Assurance (§ 14-201 of the
17 Health Occupations Article);

18 [(9)] (8) State Board of Nursing (§ 8-201 of the Health Occupations
19 Article);

20 [(10)] (9) State Board of Examiners of Nursing Home Administrators (§
21 9-201 of the Health Occupations Article);

22 [(11)] (10) State Board of Examiners in Optometry (§ 11-201 of the Health
23 Occupations Article);

24 [(12)] (11) State Board of Pharmacy (§ 12-201 of the Health Occupations
25 Article);

26 [(13)] (12) State Board of Plumbing (§ 12-201 of the Business Occupations
27 and Professions Article);

28 [(14)] (13) State Board for Professional Engineers (§ 14-201 of the
29 Business Occupations and Professions Article);

30 [(15)] (14) State Board for Professional Land Surveyors (§ 15-201 of the
31 Business Occupations and Professions Article);

32 [(16)] (15) State Board of Examiners of Psychologists (§ 18-201 of the
33 Health Occupations Article);

1 [(17)] (16) State Board of Environmental Sanitarians (§ 11-201 of the
2 Environment Article);

3 [(18)] (17) State Health Resources Planning Commission (§ 19-103 of the
4 Health - General Article);

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

7 [(20)] (19) State Board of Heating, Ventilation, Air-Conditioning, and
8 Refrigeration Contractors (§ 9A-101 of the Business Regulation Article); and

9 [(21)] (20) State Board of Architects (§ 3-101 of the Business Occupations
10 and Professions Article).

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Dental
20 Examiners shall report to the Senate Economic and Environmental Affairs
21 Committee and the House Environmental Matters Committee on or before October 1,
22 1999, in accordance with § 2-1246 of the State Government Article, on the
23 implementation of the recommendations of the Department of Legislative Services
24 contained in the sunset evaluation report dated October 31, 1998.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 1999.