**Unofficial Copy** J2

1999 Regular Session 9lr0947

By:	By: Chairman, Environmental Matters								
Intro	Introduced and read first time: January 18, 1999								
Assi	Assigned to: Environmental Matters								
Con	Committee Report: Favorable with amendments								
Hou	se action: Adopted								
Read	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								

- 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

members for a certain dentist rehabilitation committee; requiring the Maryland

committees; continuing the State Board of Dental Examiners by extending to a

certain date the termination provisions relating to the statutory and regulatory

State Dental Association and the Maryland Dental Hygienists' Association to submit a budget to the Board for the committee committees; requiring the

Legislative Auditor to audit the accounts and transactions of the committee

- certain date; requiring the Board to submit a certain report on or before a 17
- 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
- Annotated Code of Maryland 22
- 23 (1994 Replacement Volume and 1998 Supplement)
- 24 BY adding to

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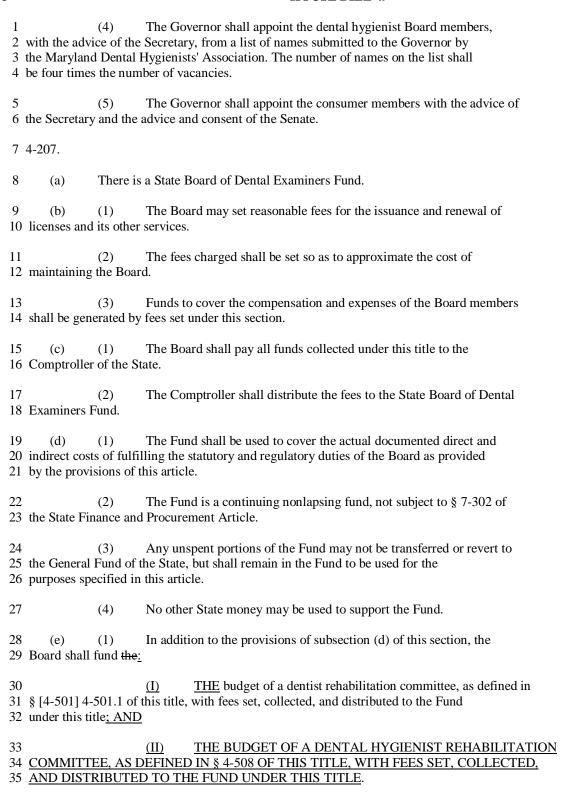
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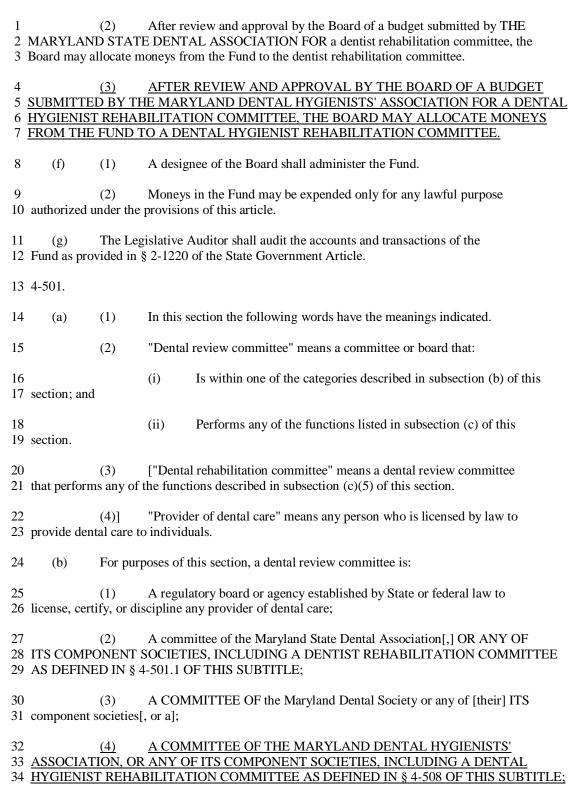
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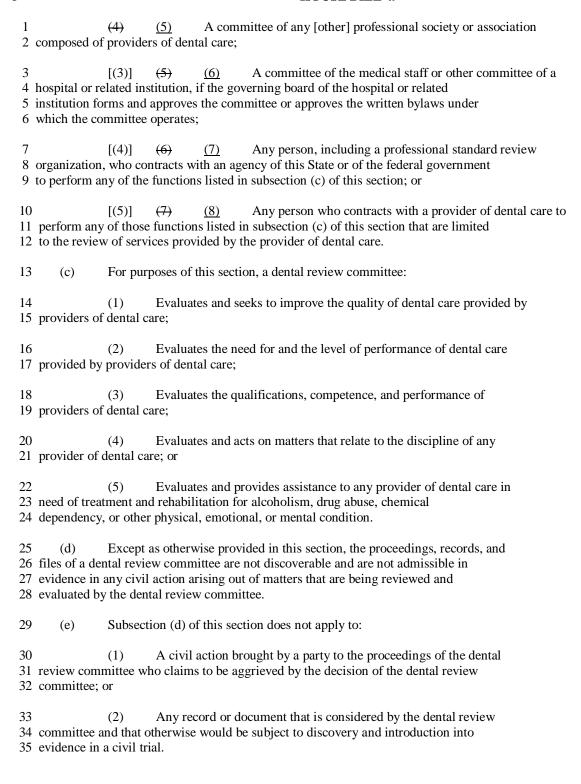
Article - Health Occupations 25

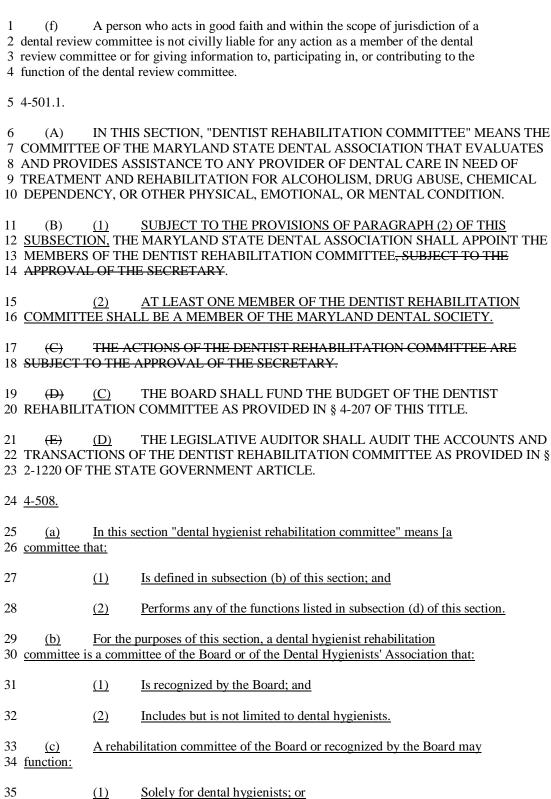
2			HOUSE BILL 49					
1 2 3	Section 4-501.1 Annotated Code of Maryland (1994 Replacement Volume and 1998 Supplement)							
4 5 6 7 8	BY repealing and reenacting, with amendments, Article - State Government Section 8-403(c) Annotated Code of Maryland (1995 Replacement Volume and 1998 Supplement)							
9 10 11 12 13	Section 8-403(e) Annotated Code of Maryland							
15	Section 8-403(k) Annotated Code of Maryland							
19 20			ACTED BY THE GENERAL ASSEMBLY OF vs of Maryland read as follows:					
21			Article - Health Occupations					
22	4-202.							
23	(a) (1)	The B	oard 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.					
30 31	(3) The Governor shall appoint the dentist Board members, with the advice of the Secretary, from a list of names submitted to the Governor jointly by the Maryland State Dental Association and the Maryland Dental Society. The number of names on the list for one vacancy shall be at least four names, for two vacancies at least three names for each vacancy, and for three or more vacancies at least two							

- 33 names for each vacancy.









1 2	(2) <u>Jointly with a rehabilitation committee representing another board</u> or boards.
5 6	(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 ehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.
8 9	(B) THE MARYLAND DENTAL HYGIENISTS' ASSOCIATION SHALL APPOINT THE MEMBERS OF THE DENTAL HYGIENIST REHABILITATION COMMITTEE.
10 11	(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.
17 18	(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 by the dental hygienist rehabilitation committee.
22	(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.
24 25	(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.
28	(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.
30	4-702.
	Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, [1999] 2013.
34	Article - State Government
35	8-403.
36 37	(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:						
3		(1)	Board o	f Boiler Rules (Article 48, § 169 of the Code);			
4 5	Article);]	[(2)	State Bo	oard of Dental Examiners (§ 4-201 of the Health Occupations			
6 7	of Baltimore	[(3)] City);	(2)	Board of Examining Engineers (§ 4-1 of the Public Local Laws			
8 9	Health - Gen	[(4)] neral Artic	(3) ele);	State Health Services Cost Review Commission (§ 19-202 of the			
10 11	2-103 of the	[(5)] Insurance	(4) e Article	Insurance Commissioner and Administration (§§ 2-101 and e);			
12 13	the Business	[(6)] s Occupat	(5) ions and	State Board of Examiners of Landscape Architects (§ 9-201 of Professions Article);			
14 15	Occupations	[(7)] s and Prof	(6) Tessions	State Board of Master Electricians (§ 6-201 of the Business Article);			
16 17	Health Occu	[(8)] apations A	(7) Article);	State Board of Physician Quality Assurance (§ 14-201 of the			
18 19	Article);	[(9)]	(8)	State Board of Nursing (§ 8-201 of the Health Occupations			
20 21	9-201 of the	[(10)] Health C	(9) Occupation	State Board of Examiners of Nursing Home Administrators (§ ons Article);			
22 23	Occupations	[(11)] s Article);	(10)	State Board of Examiners in Optometry (§ 11-201 of the Health			
24 25	Article);	[(12)]	(11)	State Board of Pharmacy (§ 12-201 of the Health Occupations			
26 27	and Professi			State Board of Plumbing (§ 12-201 of the Business Occupations			
28 29	Business Oc	[(14)] ecupations	(13) s and Pro	State Board for Professional Engineers (§ 14-201 of the ofessions Article);			
30 31	Business Oc	[(15)] ecupations	(14) s and Pro	State Board for Professional Land Surveyors (§ 15-201 of the ofessions Article);			
32 33	Health Occu	[(16)] apations <i>A</i>	(15) Article);	State Board of Examiners of Psychologists (§ 18-201 of the			

- 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.