

HOUSE BILL 594

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1999 Regular Session
9r1608
CF 9r1664

By: **Delegate Frush**

Introduced and read first time: February 11, 1999

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Practice of Dentistry - Definition**

3 FOR the purpose of including within the definition of "practice dentistry" under the
4 State Dental Practice Act the making of a certain proposed determination that a
5 dental service or dental operation is not medically or dentally necessary or
6 medically or dentally appropriate for a patient; specifying a certain exception;
7 specifying a certain rule of construction for this Act; and generally relating to
8 the practice of dentistry.

9 BY repealing and reenacting, with amendments,

10 Article - Health Occupations

11 Section 4-101(m)

12 Annotated Code of Maryland

13 (1994 Replacement Volume and 1998 Supplement)

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

16 **Article - Health Occupations**

17 4-101.

18 (m) "Practice dentistry" means to:

19 (1) Be a manager, a proprietor, or a conductor of or an operator in any
20 place in which a dental service or dental operation is performed intraorally;

21 (2) Perform or attempt to perform any intraoral dental service or
22 intraoral dental operation;

23 (3) Diagnose, treat, or attempt to diagnose or treat any disease, injury,
24 malocclusion, or malposition of a tooth, gum, or jaw, or structures associated with a
25 tooth, gum, or jaw if the service, operation, or procedure is included in the curricula of
26 an accredited dental school or in an approved dental residency program of an
27 accredited hospital or teaching institution;

- 1 (4) Perform or offer to perform dental laboratory work;
- 2 (5) Place or adjust a dental appliance in a human mouth; [or]
- 3 (6) Administer anesthesia for the purposes of dentistry and not as a
4 medical specialty; OR
- 5 (7) EXCEPT FOR A DETERMINATION MADE SOLELY FOR AN
6 EDUCATIONAL PURPOSE, MAKE A DETERMINATION THAT A DENTAL SERVICE OR A
7 DENTAL OPERATION WHICH AN INDIVIDUAL LICENSED OR CERTIFIED UNDER THIS
8 ARTICLE PROPOSES FOR A PATIENT:
- 9 (I) IS NOT MEDICALLY OR DENTALLY NECESSARY; OR
- 10 (II) IS NOT MEDICALLY OR DENTALLY APPROPRIATE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
12 construed to create a cause of action or to enlarge or limit a cause of action that may
13 exist against any person.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1999.