

SENATE BILL 209

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1999 Regular Session
9lr0325

By: **Senator Hollinger (Chairman, Health Subcommittee) and Senators
Conway, Harris, Pinsky, and Sfikas**

Introduced and read first time: February 1, 1999

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

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; requiring the Board
5 to fund a certain dentist rehabilitation committee; subjecting the membership of
6 the committee to the approval of the Secretary of the Department of Health and
7 Mental Hygiene; requiring the Maryland State Dental Association to submit a
8 budget to the Board for the committee; requiring the Legislative Auditor to audit
9 the accounts and transactions of the committee; continuing the State Board of
10 Dental Examiners by extending to a certain date the termination provisions
11 relating to the statutory and regulatory authority of the Board; requiring the
12 Board to submit a certain report on or before a certain date; and generally
13 relating to the State Board of Dental Examiners.

14 BY repealing and reenacting, with amendments,
15 Article - Health Occupations
16 Section 4-202(a), 4-207, 4-501, and 4-702
17 Annotated Code of Maryland
18 (1994 Replacement Volume and 1998 Supplement)

19 BY adding to
20 Article - Health Occupations
21 Section 4-501.1
22 Annotated Code of Maryland
23 (1994 Replacement Volume and 1998 Supplement)

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

1

Article - Health Occupations

2 4-202.

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

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

5 (i) 9 shall be licensed dentists;

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

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

8 (3) The Governor shall appoint the dentist Board members, with the
9 advice of the Secretary, from a list of names submitted to the Governor jointly by the
10 Maryland State Dental Association and the Maryland Dental Society. The number of
11 names on the list for one vacancy shall be at least four names, for two vacancies at
12 least three names for each vacancy, and for three or more vacancies at least two
13 names for each vacancy.

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

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

20 4-207.

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

22 (b) (1) The Board may set reasonable fees for the issuance and renewal of
23 licenses and its other services.24 (2) The fees charged shall be set so as to approximate the cost of
25 maintaining the Board.26 (3) Funds to cover the compensation and expenses of the Board members
27 shall be generated by fees set under this section.28 (c) (1) The Board shall pay all funds collected under this title to the
29 Comptroller of the State.30 (2) The Comptroller shall distribute the fees to the State Board of Dental
31 Examiners Fund.32 (d) (1) The Fund shall be used to cover the actual documented direct and
33 indirect costs of fulfilling the statutory and regulatory duties of the Board as provided
34 by the provisions of this article.

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

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

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

7 (e) (1) In addition to the provisions of subsection (d) of this section, the
8 Board shall fund the budget of a dentist rehabilitation committee, as defined in §
9 [4-501] 4-501.1 of this title, with fees set, collected, and distributed to the Fund
10 under this title.

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

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

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

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

19 4-501.

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

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

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

24 (ii) Performs any of the functions listed in subsection (c) of this
25 section.

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

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

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

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

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

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

6 (4) A committee of any [other] professional society or association
7 composed of providers of dental care;

8 [(3)] (5) A committee of the medical staff or other committee of a
9 hospital or related institution, if the governing board of the hospital or related
10 institution forms and approves the committee or approves the written bylaws under
11 which the committee operates;

12 [(4)] (6) Any person, including a professional standard review
13 organization, who contracts with an agency of this State or of the federal government
14 to perform any of the functions listed in subsection (c) of this section; or

15 [(5)] (7) Any person who contracts with a provider of dental care to
16 perform any of those functions listed in subsection (c) of this section that are limited
17 to the review of services provided by the provider of dental care.

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

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

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

23 (3) Evaluates the qualifications, competence, and performance of
24 providers of dental care;

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

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

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

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

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

4 (2) Any record or document that is considered by the dental review
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.

17 (B) THE MARYLAND STATE DENTAL ASSOCIATION SHALL APPOINT THE
18 MEMBERS OF THE DENTIST REHABILITATION COMMITTEE, SUBJECT TO THE
19 APPROVAL OF THE SECRETARY.

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

22 (D) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND
23 TRANSACTIONS OF THE DENTIST REHABILITATION COMMITTEE AS PROVIDED IN §
24 2-1220 OF THE STATE GOVERNMENT ARTICLE.

25 4-702.

26 Subject to the evaluation and reestablishment provisions of the Program
27 Evaluation Act, this title and all rules and regulations adopted under this title shall
28 terminate and be of no effect after July 1, [1999] 2003.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Dental
30 Examiners shall report to the Senate Economic and Environmental Affairs
31 Committee and the House Environmental Matters Committee on or before October 1,
32 1999, in accordance with § 2-1246 of the State Government Article, on the
33 implementation of the recommendations of the Department of Legislative Services
34 contained in the sunset evaluation report dated October 31, 1998.

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