

SENATE BILL 595

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1999 Regular Session
9r1664
CF 9r1608

By: **Senators Hollinger, Dorman, Collins, Ruben, Blount, DeGrange,
Forehand, Stone, Van Hollen, Sfikas, Astle, Hafer, Middleton, Ferguson,
Green, Harris, Hoffman, and Teitelbaum**

Introduced and read first time: February 5, 1999
Assigned to: Economic and Environmental Affairs

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

1 an accredited dental school or in an approved dental residency program of an
2 accredited hospital or teaching institution;

3 (4) Perform or offer to perform dental laboratory work;

4 (5) Place or adjust a dental appliance in a human mouth; [or]

5 (6) Administer anesthesia for the purposes of dentistry and not as a
6 medical specialty; OR

7 (7) EXCEPT FOR A DETERMINATION MADE SOLELY FOR AN
8 EDUCATIONAL PURPOSE, MAKE A DETERMINATION THAT A DENTAL SERVICE OR A
9 DENTAL OPERATION WHICH AN INDIVIDUAL LICENSED OR CERTIFIED UNDER THIS
10 ARTICLE PROPOSES FOR A PATIENT:

11 (I) IS NOT MEDICALLY OR DENTALLY NECESSARY; OR

12 (II) IS NOT MEDICALLY OR DENTALLY APPROPRIATE.

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

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