

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

Committee Report: Favorable
Senate action: Adopted with floor amendments
Read second time: March 23, 1999

CHAPTER _____

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; requiring the Maryland
8 Insurance Administration, in consultation with the Department of Health and
9 Mental Hygiene, to conduct a certain study on certain potential impacts of this
10 Act and to review certain practices of other states; and generally relating to the
11 practice of dentistry.

12 BY repealing and reenacting, with amendments,
13 Article - Health Occupations
14 Section 4-101(m)
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1998 Supplement)

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

19 **Article - Health Occupations**

20 4-101.

21 (m) "Practice dentistry" means to:

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

3 (2) Perform or attempt to perform any intraoral dental service or
4 intraoral dental operation;

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

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

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

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

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

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

19 (II) IS NOT MEDICALLY OR DENTALLY APPROPRIATE.

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

23 SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland
24 Insurance Administration, in consultation with the Department of Health and Mental
25 Hygiene, shall:

26 (1) conduct a study on the potential impact of this Act on insurance
27 premiums and access to insurance;

28 (2) review the practices of other states to determine whether other states
29 allow the boards that license dentists to regulate:

30 (i) determinations of whether or not a dental service or dental
31 operation is medically or dentally necessary or appropriate; and

32 (ii) other practices and procedures of health maintenance
33 organizations; and

34 (3) report the results of the study and review conducted under this
35 section to the General Assembly, in accordance with § 2-1246 of the State
36 Government Article, on or before December 31, 1999.

1 SECTION ~~3.~~4. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 1999.