

SENATE BILL 672

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J2

1999 Regular Session
(9r1661)

ENROLLED BILL

-- Economic and Environmental Affairs/Environmental Matters --

Introduced by **Senator Hollinger**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **State Board of Dental Examiners**

3 FOR the purpose of specifying that a waiver of education qualifications applies only to
4 a limited license to practice dentistry; expanding the grounds for disciplinary
5 action by the State Board of Dental Examiners; ~~increasing the maximum~~
6 ~~monetary penalty that the Board may impose; providing for a limited waiver for~~
7 ~~a teacher's license;~~ altering the recognition of specialties by the Board; and
8 generally relating to the State Board of Dental Examiners and the practice of
9 dentistry.

10 BY repealing and reenacting, with amendments,
11 Article - Health Occupations
12 Section ~~4-303(a)~~ 4-303, 4-315(a)(16), (29), and (30) and (b)(3), (15), and (16);
13 ~~and 4-317(a)~~
14 Annotated Code of Maryland
15 (1994 Replacement Volume and 1998 Supplement)

1 BY repealing
2 Article - Health Occupations
3 Section 4-504(c)
4 Annotated Code of Maryland
5 (1994 Replacement Volume and 1998 Supplement)

6 BY adding to
7 Article - Health Occupations
8 Section 4-315(a)(31) and (b)(17) and 4-504(c)
9 Annotated Code of Maryland
10 (1994 Replacement Volume and 1998 Supplement)

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

13 **Article - Health Occupations**

14 4-303.

15 (a) Subject to the provisions of this section, the Board may waive the
16 education requirements of § 4-302 of this subtitle for an applicant FOR A LIMITED
17 LICENSE who does not hold a degree of doctor of dental surgery, doctor of dental
18 medicine, or the equivalent from a college or university that is authorized by any
19 state or any province of Canada to grant the degree and is recognized by the Board
20 under § 4-302(d)(2) of this subtitle.

21 (b) The Board may grant a waiver under this section only if the applicant:

22 (1) Passes a series of preliminary tests given by the Board under its
23 regulations to determine that the applicant is qualified to take the examination for a
24 general license to practice dentistry;

25 (2) Completes at least 2 years of formal general clinical training in a
26 college or university that is authorized by any state or any province of Canada to
27 grant the degree of doctor of dental surgery, doctor of dental medicine, or the
28 equivalent and is recognized by the Board under § 4-302(d)(2) of this subtitle; and

29 (3) Meets any other requirements that the Board establishes for a waiver
30 of the education requirements of § 4-302 of this subtitle.

31 (C) (1) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B) OF THIS
32 SECTION AND § 4-302(G) OF THIS SUBTITLE, THE BOARD MAY GRANT A WAIVER FOR A
33 LIMITED TEACHER'S LICENSE IF IT FINDS THAT:

34 (I) THE APPLICANT HOLDS A DEGREE OF DOCTOR OF DENTAL
35 SURGERY, DOCTOR OF DENTAL MEDICINE, OR AN EQUIVALENT DEGREE FROM A
36 SCHOOL, COLLEGE, OR FACULTY OF DENTISTRY;

1 (II) THE APPLICANT DEMONSTRATES THAT THE APPLICANT HAS
 2 HAD AT LEAST 5 YEARS OF CLINICAL DENTAL EXPERIENCE;

3 (III) THE APPLICANT IS FOUND TO BE OF GOOD MORAL CHARACTER
 4 AND PROFESSIONALLY COMPETENT;

5 (IV) THE DEAN OF THE UNIVERSITY OF MARYLAND DENTAL
 6 SCHOOL REQUESTS THE WAIVER AND CIRCUMSTANCES EXIST THAT JUSTIFY THE
 7 GRANTING OF A WAIVER; AND

8 (V) THE APPLICANT IS APPOINTED TO A FULL-TIME FACULTY
 9 POSITION AT THE UNIVERSITY OF MARYLAND DENTAL SCHOOL.

10 (2) A LIMITED TEACHER'S LICENSE GRANTED PURSUANT TO A WAIVER
 11 UNDER PARAGRAPH (1) OF THIS SUBSECTION:

12 (I) AUTHORIZES THE LICENSEE TO PRACTICE DENTISTRY TO THE
 13 SAME EXTENT AS OTHER FACULTY MEMBERS WHO HOLD GENERAL LICENSES TO
 14 PRACTICE DENTISTRY, PROVIDED THAT THE LICENSEE ONLY PRACTICES DENTISTRY
 15 AT ESTABLISHED TEACHING SITES AND FACULTY PROGRAMS OF THE UNIVERSITY OF
 16 MARYLAND DENTAL SCHOOL; AND

17 (II) SHALL BE SURRENDERED IMMEDIATELY TO THE BOARD WHEN
 18 THE LICENSEE CEASES TO HOLD AN APPOINTMENT AS A FULL-TIME FACULTY
 19 MEMBER OF THE UNIVERSITY OF MARYLAND DENTAL SCHOOL.

20 4-315.

21 (a) Subject to the hearing provisions of § 4-318 of this subtitle, the Board may
 22 deny a general license to practice dentistry, a limited license to practice dentistry, or
 23 a teacher's license to practice dentistry to any applicant, reprimand any licensed
 24 dentist, place any licensed dentist on probation, or suspend or revoke the license of
 25 any licensed dentist, if the applicant or licensee:

26 (16) Behaves dishonorably or unprofessionally, OR VIOLATES A
 27 PROFESSIONAL CODE OF ETHICS PERTAINING TO THE DENTISTRY PROFESSION;

28 (29) Fails to display the notice required under § 4-313(d) of this title; [or]

29 (30) ~~[Fails] DEFAULTS ON A LOAN THAT WAS USED TO OBTAIN THE~~
 30 ~~APPLICANT'S OR LICENSEE'S DENTAL EDUCATION OR FAILS~~ to begin to fulfill a public
 31 service requirement within 1 year of when the assignment is to begin that was a
 32 condition of the applicant or licensee receiving State or federal loans or scholarships
 33 for the applicant's or licensee's dental education; OR

34 (31) FAILS TO COMPLY WITH ANY BOARD ORDER.

35 (b) Subject to the hearing provisions of § 4-318 of this subtitle, the Board may
 36 deny a general license to practice dental hygiene, a teacher's license to practice dental
 37 hygiene, or a temporary license to practice dental hygiene to any applicant,

1 reprimand any licensed dental hygienist, place any licensed dental hygienist on
 2 probation, or suspend or revoke the license of any licensed dental hygienist, if the
 3 applicant or licensee:

4 (3) Behaves unprofessionally or in a grossly immoral way, OR VIOLATES
 5 A PROFESSIONAL CODE OF ETHICS PERTAINING TO THE DENTAL HYGIENE
 6 PROFESSION;

7 (15) Refuses, withholds from, denies, or discriminates against an
 8 individual with regard to the provision of professional services for which the licensee
 9 is licensed and qualified to render because the individual is HIV positive; [or]

10 (16) Except in an emergency life-threatening situation where it is not
 11 feasible or practicable, fails to comply with the Centers for Disease Control's
 12 guidelines on universal precautions; OR

13 (17) FAILS TO COMPLY WITH ANY BOARD ORDER.

14 ~~4-317.~~

15 ~~(a) If after a hearing under § 4-318 of this subtitle the Board finds that there~~
 16 ~~are grounds under § 4-315 of this subtitle to suspend or revoke a general license to~~
 17 ~~practice dentistry, a limited license to practice dentistry, or a teacher's license to~~
 18 ~~practice dentistry, or to reprimand a licensed dentist, the Board may impose a penalty~~
 19 ~~not exceeding [\$5,000]\$50,000:~~

20 ~~(1) Instead of suspending the license; or~~

21 ~~(2) In addition to suspending or revoking the license or reprimanding the~~
 22 ~~licensee.~~

23 4-504.

24 [(c) The following branches of dentistry are established as suitable fields for
 25 specialized dental practice, to be known as "specialties":

26 (1) Endodontics;

27 (2) Oral pathology;

28 (3) Oral surgery;

29 (4) Orthodontics;

30 (5) Pediatric dentistry;

31 (6) Periodontics;

32 (7) Prosthodontics;

33 (8) Public health; and

1 (9) Any other field of specialized dental practice that the Board approves
2 under this section.]

3 (C) THE BOARD MAY APPROVE ANY AREA OF SPECIALTY RECOGNIZED BY THE
4 COMMISSION ON DENTAL ACCREDITATION OR ITS SUCCESSOR ORGANIZATION.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
6 effect October 1, 1999.