

SENATE BILL 373

Unofficial Copy  
J2  
SB 595/99 - EEA

2000 Regular Session  
0lr2374

---

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

Introduced and read first time: February 3, 2000  
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; 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 1999 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:

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

24 (2) Perform or attempt to perform any intraoral dental service or  
25 intraoral dental operation;

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

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

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

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

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

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

15 (II) IS NOT MEDICALLY OR DENTALLY APPROPRIATE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be  
17 construed to create a cause of action or to enlarge or limit a cause of action that may  
18 exist against any person nor may this Act be construed to apply to determinations  
19 made by State personnel under Title 15, Subtitles 10A and 10B of the Insurance  
20 Article.

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

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

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

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

30 (ii) other practices and procedures of health maintenance  
31 organizations; and

32 (3) report the results of the study and review conducted under this  
33 section to the General Assembly, in accordance with § 2-1246 of the State  
34 Government Article, on or before December 31, 2000.

35 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 October 1, 2000.

