

SENATE BILL 33

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SB 373/00 - EEA

2001 Regular Session
1r0666

(PRE-FILED)

By: **Senators Hollinger, Astle, Blount, Collins, DeGrange, Dorman,
Forehand, Frosh, Green, Haines, Harris, Hoffman, Pinsky, Ruben,
Sfikas, Stone, Teitelbaum, and ~~Exum~~ Exum, Dyson, and Van Hollen**

Requested: October 13, 2000
Introduced and read first time: January 10, 2001
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 7, 2001

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; 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 (2000 Replacement Volume)

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:

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 nor may this Act be construed to apply to determinations
23 made by State personnel under Title 15, Subtitles 10A and 10B of the Insurance
24 Article.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2001.