
By: **Delegate Morhaim**
Introduced and read first time: February 3, 2004
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Dental Examiners - Regulation of Conscious Sedation**

3 FOR the purpose of broadening the authority of the State Board of Dental Examiners
4 to adopt certain regulations relating to a certain form of sedation; prohibiting
5 the Board, in regulating the issuance of certain permits to a facility or dentist, to
6 adopt regulations concerning the administration of nitrous oxide and certain
7 medications under certain circumstances; and generally relating to the State
8 Board of Dental Examiners and the regulation of conscious sedation.

9 BY repealing and reenacting, with amendments,
10 Article - Health Occupations
11 Section 4-205
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2003 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 4-205.

18 (a) In addition to the powers set forth elsewhere in this title, the Board may:

19 (1) [Adopt] NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B)
20 OF THIS SECTION, ADOPT regulations governing:

21 (i) The administration of general anesthesia by a licensed dentist;

22 (ii) The administration of [parenteral] CONSCIOUS sedation by a
23 licensed dentist;

24 (iii) The use of a dental assistant by a licensed dentist in performing
25 intraoral procedures;

1 (iv) The issuance of a permit to a facility not otherwise regulated
2 where a dentist administers or has general anesthesia or [parenteral] CONSCIOUS
3 sedation administered;

4 (v) The issuance of a permit to a dentist who administers or has
5 general anesthesia or [parenteral] CONSCIOUS sedation administered;

6 (vi) Reasonable requirements for the training and evaluation of a
7 dentist before the dentist may administer general anesthesia or [parenteral]
8 CONSCIOUS sedation OTHER THAN NITROUS OXIDE ADMINISTERED ALONE AND NOT
9 IN CONJUNCTION WITH OTHER METHODS OF DIMINISHING OR ELIMINATING PAIN
10 OR WITH MEDICATION USED FOR DIMINISHING OR ELIMINATING ANXIETY;

11 (vii) The discipline of a holder of any facility or administration
12 permit for the administration of general anesthesia or [parenteral] CONSCIOUS
13 sedation; and

14 (viii) The release of patient dental records;

15 (2) After consulting with the State Board of Pharmacy, adopt regulations
16 regarding the dispensing of prescription drugs by a licensed dentist;

17 (3) On receipt of a written and signed complaint, investigate an alleged
18 violation of this title;

19 (4) After consulting with the Maryland Dental Hygienists' Association,
20 adopt regulations establishing continuing education requirements for licensed dental
21 hygienists;

22 (5) Adopt regulations establishing continuing education requirements
23 for licensed dentists;

24 (6) On receipt of a written and signed complaint, including a referral
25 from the Commissioner of Labor and Industry, conduct an unannounced inspection of
26 the office of a dentist, other than an office of a dentist in a hospital, related
27 institution, freestanding medical facility, or a freestanding birthing center, to
28 determine compliance at that office with the Centers for Disease Control's guidelines
29 on universal precautions; and

30 (7) Establish committees from among its members to facilitate and
31 assist the Board in discharging its duties and responsibilities under this title by
32 evaluating, reviewing, and making recommendation to the Board on matters referred
33 to the committees by the Board. The committees established shall include, but may
34 not be limited to:

35 (i) A nominations committee;

36 (ii) A regulations committee;

1 (iii) A committee on dental hygiene composed of 3 dental hygienists,
2 1 dentist, and 1 consumer to which the Board shall refer all matters within the
3 Board's jurisdiction under this title relating to or affecting the practice of dental
4 hygiene for the committee's evaluation, review, and recommendation;

5 (iv) A disciplinary committee; and

6 (v) Such other committees as the Board considers appropriate.

7 (B) REGULATIONS ADOPTED BY THE BOARD TO GOVERN THE ISSUANCE OF A
8 PERMIT TO A FACILITY OR TO A DENTIST MAY NOT REGULATE:

9 (1) THE ADMINISTRATION OF NITROUS OXIDE WHEN THE NITROUS
10 OXIDE IS NOT ADMINISTERED IN CONJUNCTION WITH ANY OTHER METHOD OF
11 DIMINISHING OR ELIMINATING PAIN OR MEDICATION USED FOR DIMINISHING OR
12 ELIMINATING ANXIETY; OR

13 (2) THE PRESCRIPTION OR ADMINISTRATION OF MEDICATION TO A
14 PATIENT WITHIN THE MAXIMUM RECOMMENDED DOSAGE FOR THAT PATIENT FOR
15 THE SOLE PURPOSE OF DIMINISHING OR ELIMINATING ANXIETY WHEN THE
16 MEDICATION IS NOT PRESCRIBED IN CONJUNCTION WITH THE ADMINISTRATION OF
17 NITROUS OXIDE OR ANY OTHER METHOD OF DIMINISHING OR ELIMINATING PAIN.

18 [(b)] (C) In addition to the duties set forth elsewhere in this title, the Board
19 shall:

20 (1) Keep a record of each license and each action taken under § 4-315 of
21 this title;

22 (2) Have an official seal; and

23 (3) Adopt rules, regulations, and bylaws as may be necessary to carry out
24 the provisions of this title.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2004.