

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 198

(Delegate Boutin, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

State Board of Dental Examiners - Powers and Duties

This bill allows the State Board of Dental Examiners to require a certificate holder or licensee to submit to an examination by a health care provider chosen and paid for by the board, after taking into account the certificate holder's or licensee's race, gender, and other cultural characteristics, during its investigation of an allegation against the certificate holder or licensee. In return for the privilege of practicing, the certificate holder or licensee is deemed to have consented to an examination if requested by the board in writing and in proceedings before the board, or in court proceedings to which the board and certificate holder or licensee are parties, to have waived any claim of privilege as to the testimony or reports of the health care provider who conducts the examination. Failing or refusing to submit to such an examination is *prima facie* evidence of the person's inability to practice dental radiation technology, dentistry, or dental hygiene competently, unless the board finds that the failure or refusal was beyond the control of the certificate holder or licensee.

Fiscal Summary

State Effect: Potential increase in special fund revenues and expenditures for the board in FY 2005 and out-years to reflect a possible increase in fee revenue and a possible increase in expenditures for board-required licensee health exams.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill also allows a part-time faculty member at a college or university where the applicant teaches a subject required by the dental school of that college or university to qualify for a teacher's license to practice dentistry. It allows a part-time faculty member at a dental school where the applicant teaches a subject required by that school to qualify for a teacher's license to practice dental hygiene. It makes corresponding changes to waiver and license expiration provisions.

It repeals the requirement that, in order for the board to waive the educational requirements for an applicant for a limited license, the applicant must pass preliminary tests given by the board.

Regarding licensing exams, the bill repeals several requirements and restrictions: (1) that the board must offer licensing exams twice a year; (2) that the exam for a general license to practice dentistry must be in writing to the extent practicable; (3) that an applicant for a general license to practice dentistry or dental hygiene who fails an exam twice must complete 40 hours of additional education in an accredited school of dentistry or dental hygiene before he or she may retake the exam; (4) that an applicant who fails an exam three times must retake and successfully complete the senior year of education at an accredited school of dentistry or a dental hygiene program before he or she may retake the exam; and (5) that consumer members and dental hygienist members of the board are limited in their participation related to exams. The bill provides that an applicant who fails an exam four times may not be licensed by the board.

The bill gives the board fee-setting authority for replacing a lost or destroyed license and repeals the set amount. The fee must approximate the actual cost of replacing the license.

It adds willful and without legal justification failure to cooperate with a lawful investigation by the board as a reason the board may deny a general license to practice dentistry or dental hygiene, a limited license to practice dentistry, a teacher's license to practice dentistry or dental hygiene, or a temporary license to practice dental hygiene to any applicant; reprimand a licensee; place a licensee on probation; or suspend or revoke a license.

Current Law: The board may waive the education requirements for a limited license applicant who does not hold a degree of doctor of dental surgery, doctor of dental medicine, or the equivalent from a college or university authorized by any state or province of Canada to grant the degree and is recognized by the board. The board may grant a waiver only if the applicant passes a series of preliminary tests given by the board to determine that the applicant is qualified to take the general license to practice dentistry.

The applicant also must complete at least two years of formal general clinical training in a college or university authorized by any state or province of Canada to grant the degree and meet any other board requirements.

Background: There are 5,057 active licensed dentists and 2,581 active licensed dental hygienists in Maryland. In fiscal 2002 and 2003, the board's complaint volume exceeded 500, a significant increase over prior years.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2004
mam/ljm Revised - House Third Reader - April 8, 2004

Analysis by: Lisa A. Daigle

Direct Inquiries to:
(410) 946-5510
(301) 970-5510