

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL NO. 248

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after the second “Board;” insert “requiring the Board to implement certain recommendations made to the Board by a certain committee on dental hygiene unless the Board makes certain findings or a certain number of members vote to overturn the recommendations;”; and in line 15, after “(h)(2)” insert “, 4-205,”.

AMENDMENT NO. 2

On page 2, after line 15, insert:

“4-205.

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

(1) Adopt regulations governing:

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

(ii) The administration of sedation by a licensed dentist;

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

(iv) Subject to subsection (b) of this section, the issuance of a permit to a facility not otherwise regulated where a dentist administers or has general anesthesia or sedation administered;

(v) Subject to subsection (b) of this section, the issuance of a permit to a

(Over)

dentist who administers or has general anesthesia or sedation administered;

(vi) Reasonable requirements for the training and evaluation of a dentist before the dentist may administer general anesthesia or sedation other than nitrous oxide administered alone and not in conjunction with:

1. Another method of diminishing or eliminating pain; or

2. Medication used for diminishing or eliminating anxiety;

(vii) The discipline of a holder of any facility or administration permit for the administration of general anesthesia or sedation; and

(viii) The release of patient dental records;

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

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

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

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

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

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

(i) A nominations committee;

(ii) A regulations committee;

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

(iv) A disciplinary committee; and

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

(B) IF THE COMMITTEE ESTABLISHED UNDER SUBSECTION (A)(7)(III) OF THIS SECTION MAKES A RECOMMENDATION TO THE BOARD, THE BOARD SHALL IMPLEMENT THE RECOMMENDATION UNLESS:

(1) THE BOARD FINDS THAT THE RECOMMENDATION HAS AN UNDUE FINANCIAL IMPACT ON THE BOARD;

(2) THE BOARD FINDS THAT THE RECOMMENDATION IS UNSUPPORTED BY THE EVIDENCE IN THE RECORD; OR

(3) 10 MEMBERS OF THE BOARD VOTE TO OVERTURN THE RECOMMENDATION.

[(b)] (C) The Board may not require a facility or a dentist to obtain a permit if a dentist:

(1) Administers nitrous oxide that is not administered in conjunction with:

(i) Another method of diminishing or eliminating pain; or

(ii) Medication used for diminishing or eliminating anxiety; or

(2) Prescribes or administers oral medication to a patient within the maximum

(Over)

recommended dosage for that patient for the sole purpose of diminishing or eliminating anxiety that is not prescribed in conjunction with:

(i) Another method of diminishing or eliminating pain; or

(ii) The administration of nitrous oxide.

[c] (D) In addition to the duties set forth elsewhere in this title, the Board shall:

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

(2) Have an official seal; and

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