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By: **Delegates Hubbard, Goldwater, Mandel, Nathan-Pulliam, Oaks, and  
Weldon**

Introduced and read first time: February 7, 2005

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Dental Examiners - Committee on Dental Hygiene -**  
3 **Recommendations**

4 FOR the purpose of requiring the State Board of Dental Examiners to implement  
5 certain recommendations made by a committee on dental hygiene to the Board  
6 unless the Board makes certain findings; and generally relating to  
7 recommendations made by a committee on dental hygiene to the State Board of  
8 Dental Examiners.

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 2004 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 regulations governing:

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

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

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

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

4 (v) Subject to subsection (b) of this section, the issuance of a permit  
5 to a dentist who administers or has general anesthesia or sedation administered;

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

9 1. Another method of diminishing or eliminating pain; or

10 2. 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 sedation; and

13 (viii) The release of patient dental records;

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

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

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

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

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

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

34 (i) A nominations committee;

35 (ii) A regulations committee;

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

5 (iv)] A disciplinary committee; and

6 [(v)] (IV) Such other committees as the Board considers  
7 appropriate.

8 (B) (1) THE BOARD SHALL ESTABLISH A COMMITTEE ON DENTAL HYGIENE  
9 COMPOSED OF THREE DENTAL HYGIENISTS, ONE DENTIST, AND ONE CONSUMER TO  
10 WHICH THE BOARD SHALL REFER ALL MATTERS WITHIN THE BOARD'S JURISDICTION  
11 UNDER THIS TITLE RELATING TO OR AFFECTING THE PRACTICE OR REGULATION OF  
12 DENTAL HYGIENE FOR THE COMMITTEE'S EVALUATION, REVIEW, AND  
13 RECOMMENDATION.

14 (2) IF THE COMMITTEE MAKES A RECOMMENDATION TO THE BOARD,  
15 THE BOARD SHALL IMPLEMENT THE RECOMMENDATION UNLESS THE BOARD FINDS  
16 THAT THE RECOMMENDATION:

17 (I) HAS AN UNDUE FINANCIAL IMPACT ON THE BOARD; OR

18 (II) IS UNSUPPORTED BY THE EVIDENCE IN THE COMMITTEE  
19 RECORD.

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

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

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

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

26 (2) Prescribes or administers oral medication to a patient within the  
27 maximum recommended dosage for that patient for the sole purpose of diminishing or  
28 eliminating anxiety that is not prescribed in conjunction with:

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

30 (ii) The administration of nitrous oxide.

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

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

35 (2) Have an official seal; and

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

3       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
4 effect October 1, 2005.