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

Introduced and read first time: February 7, 2005
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 15, 2005

CHAPTER _____

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 or a certain number of members vote to
7 overturn the recommendations; and generally relating to recommendations
8 made by a committee on dental hygiene to the State Board of 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;

- 1 (ii) The administration of sedation by a licensed dentist;
- 2 (iii) The use of a dental assistant by a licensed dentist in performing
3 intraoral procedures;
- 4 (iv) Subject to subsection (b) of this section, the issuance of a permit
5 to a facility not otherwise regulated where a dentist administers or has general
6 anesthesia or sedation administered;
- 7 (v) Subject to subsection (b) of this section, the issuance of a permit
8 to a dentist who administers or has general anesthesia or sedation administered;
- 9 (vi) Reasonable requirements for the training and evaluation of a
10 dentist before the dentist may administer general anesthesia or sedation other than
11 nitrous oxide administered alone and not in conjunction with:
- 12 1. Another method of diminishing or eliminating pain; or
13 2. Medication used for diminishing or eliminating anxiety;
- 14 (vii) The discipline of a holder of any facility or administration
15 permit for the administration of general anesthesia or sedation; and
- 16 (viii) The release of patient dental records;
- 17 (2) After consulting with the State Board of Pharmacy, adopt regulations
18 regarding the dispensing of prescription drugs by a licensed dentist;
- 19 (3) On receipt of a written and signed complaint, investigate an alleged
20 violation of this title;
- 21 (4) After consulting with the Maryland Dental Hygienists' Association,
22 adopt regulations establishing continuing education requirements for licensed dental
23 hygienists;
- 24 (5) Adopt regulations establishing continuing education requirements
25 for licensed dentists;
- 26 (6) On receipt of a written and signed complaint, including a referral
27 from the Commissioner of Labor and Industry, conduct an unannounced inspection of
28 the office of a dentist, other than an office of a dentist in a hospital, related
29 institution, freestanding medical facility, or a freestanding birthing center, to
30 determine compliance at that office with the Centers for Disease Control's guidelines
31 on universal precautions; and
- 32 (7) Establish committees from among its members to facilitate and
33 assist the Board in discharging its duties and responsibilities under this title by
34 evaluating, reviewing, and making recommendation to the Board on matters referred
35 to the committees by the Board. The committees established shall include, but may
36 not be limited to:

- 1 (i) A nominations committee;
- 2 (ii) A regulations committee;
- 3 (iii) [A committee on dental hygiene composed of 3 dental
4 hygienists, 1 dentist, and 1 consumer to which the Board shall refer all matters
5 within the Board's jurisdiction under this title relating to or affecting the practice of
6 dental hygiene for the committee's evaluation, review, and recommendation;
- 7 (iv)] A disciplinary committee; and
- 8 [(v)] (IV) Such other committees as the Board considers
9 appropriate.

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

16 (2) IF THE COMMITTEE MAKES A RECOMMENDATION TO THE BOARD,
17 THE BOARD SHALL IMPLEMENT THE RECOMMENDATION UNLESS ~~THE BOARD FINDS~~
18 ~~THAT THE RECOMMENDATION:~~

19 (I) THE BOARD FINDS THAT THE RECOMMENDATION HAS AN
20 UNDUE FINANCIAL IMPACT ON THE BOARD; OR

21 (II) THE BOARD FINDS THAT THE RECOMMENDATION IS
22 UNSUPPORTED BY THE EVIDENCE IN THE COMMITTEE RECORD; OR

23 (III) TEN MEMBERS OF THE BOARD VOTE TO OVERTURN THE
24 RECOMMENDATION.

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

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

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

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

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

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

35 (ii) The administration of nitrous oxide.

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

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

5 (2) Have an official seal; and

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

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