
By: **Delegates Costa, Benson, Edwards, Frank, and Kaiser**

Introduced and read first time: February 6, 2006

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: March 8, 2006

CHAPTER_____

1 AN ACT concerning

2 **State Board of Dental Examiners - Various Licensing and Regulatory**
3 **Requirements**

4 FOR the purpose of altering the qualifications for a certain teacher's license to
5 practice dentistry and dental hygiene to include certain part-time faculty
6 members at certain colleges and universities; establishing qualifications for a
7 limited license to practice dentistry; altering the waiver requirements for
8 certain applicants for a certain limited license to repeal a requirement that the
9 applicant pass certain tests given by the State Board of Dental Examiners;
10 altering the waiver requirements for applicants for a certain teacher's license if
11 the Board finds that an applicant holds a certain part-time faculty position at a
12 certain school; requiring the surrender of a certain teacher's license under
13 certain circumstances; repealing certain requirements concerning the
14 administration of a certain examination by the Board; prohibiting a certain
15 applicant from being licensed; authorizing the Board to set a certain fee;
16 repealing certain provisions concerning the service of a certain hearing notice in
17 a certain manner; providing for staggered terms for certain members of the
18 Board; and generally relating to various licensing and regulatory requirements
19 for the State Board of Dental Examiners.

20 BY repealing and reenacting, without amendments,
21 Article - Health Occupations
22 Section 4-201 and 4-202(a)
23 Annotated Code of Maryland
24 (2005 Replacement Volume)

25 BY repealing and reenacting, with amendments,

1 Article - Health Occupations
2 Section 4-202(h), 4-302, 4-303, 4-305, 4-307, 4-309, and 4-318
3 Annotated Code of Maryland
4 (2005 Replacement Volume)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - Health Occupations**

8 4-201.

9 There is a State Board of Dental Examiners in the Department.

10 4-202.

11 (a) (1) The Board consists of 16 members.

12 (2) Of the 16 Board members:

13 (i) 9 shall be licensed dentists;

14 (ii) 4 shall be licensed dental hygienists; and

15 (iii) 3 shall be consumer members.

16 (3) The Governor shall appoint the dentist Board members, with the
17 advice of the Secretary, from a list of names submitted to the Governor jointly by the
18 Maryland State Dental Association and the Maryland Dental Society. The number of
19 names on the list for one vacancy shall be at least four names, for two vacancies at
20 least three names for each vacancy, and for three or more vacancies at least two
21 names for each vacancy.

22 (4) The Governor shall appoint the dental hygienist Board members,
23 with the advice of the Secretary, from a list of names submitted to the Governor by
24 the Maryland Dental Hygienists' Association. The number of names on the list shall
25 be four times the number of vacancies.

26 (5) The Governor shall appoint the consumer members with the advice of
27 the Secretary and the advice and consent of the Senate.

28 (h) (1) The term of a member is 4 years.

29 (2) The terms of the members are staggered as required by the terms
30 provided for members of the Board on [October 1, 2005] OCTOBER 1, 2006.

31 (3) At the end of a term, a member continues to serve until a successor is
32 appointed and qualifies.

1 (4) A member who is appointed after a term has begun serves only for
2 the rest of the term and until a successor is appointed and qualifies.

3 (5) A member may not be appointed for more than 2 consecutive full
4 terms.

5 (6) To the extent practicable, the Governor shall fill any vacancy on the
6 Board within 60 days of the date of the vacancy.

7 4-302.

8 (a) Except as otherwise provided in this title, to qualify for a license, an
9 applicant shall be an individual who meets the requirements of this section.

10 (b) The applicant shall be of good moral character.

11 (c) To qualify for a license to practice dentistry, the applicant shall be at least
12 18 years old.

13 (d) Unless waived by the Board under §§ 4-303 and 4-303.1 of this subtitle, to
14 qualify for a license to practice dentistry, the applicant shall hold a degree of Doctor of
15 Dental Surgery, Doctor of Dental Medicine, or the equivalent, from a college or
16 university that is:

17 (1) Authorized by any state or any province of Canada to grant the
18 degree; and

19 (2) Recognized by the Board as requiring adequate preprofessional
20 collegiate training and as maintaining an acceptable course of dental instruction.

21 (e) To qualify for a license to practice dental hygiene, the applicant shall be a
22 graduate of a school for dental hygienists that:

23 (1) Requires at least 2 years of education in an institution of higher
24 education;

25 (2) Is accredited by the American Dental Association Commission on
26 Dental Accreditation; and

27 (3) Is approved by the Board.

28 (f) (1) Unless the examination requirement is waived under § 4-306 or §
29 4-310 of this subtitle, and except as provided in § 4-303.1 of this subtitle, to qualify
30 for a general license to practice dentistry or a general license to practice dental
31 hygiene, the applicant shall pass an examination given by the Board under this
32 subtitle.

33 (2) An examination is not required for a teacher's license to practice
34 dentistry, a limited license to practice dentistry, or a teacher's license to practice
35 dental hygiene.

1 (g) In addition to the requirements of subsections (a), (b), (c), and (d) of this
2 section, to qualify for a teacher's license to practice dentistry, the applicant shall:

3 (1) Be licensed to practice dentistry in any other state;

4 (2) Have been active in the dental profession for at least 5 years;

5 (3) Be a full-time OR PART-TIME faculty member at a college or
6 university where the applicant teaches a subject required by the dental school of that
7 college or university; and

8 (4) If the applicant is engaged in a teaching area that is designated as a
9 specialty by the American Dental Association, meet the requirements established by
10 the American Dental Association for that specialty.

11 (h) In addition to the requirements of subsections (a), (b), and (e) of this
12 section, to qualify for a teacher's license to practice dental hygiene, the applicant
13 shall:

14 (1) Be licensed to practice dental hygiene in any other state;

15 (2) Have been active as a dental hygienist for at least 5 years before
16 applying for the teacher's license to practice dental hygiene; and

17 (3) Be a full-time OR PART-TIME faculty member at a dental school
18 where the applicant teaches a subject required by that school.

19 (i) In addition to the requirements of subsections (a), (b), (c), and (d) of this
20 section, to qualify for a retired volunteer dentist's license to practice dentistry, the
21 applicant shall:

22 (1) Have had a general license to practice dentistry issued under this
23 title within the last 2 years;

24 (2) Complete the continuing education requirements that the Board
25 establishes for a general license; and

26 (3) Provide dental services as required under § 4-308(c) of this subtitle.

27 (j) In addition to the requirements of subsections (a), (b), and (e) of this
28 section, to qualify for a retired dental hygienist's license to practice dental hygiene,
29 the applicant shall:

30 (1) Have had a general license to practice dental hygiene under this title
31 within the last 2 years;

32 (2) Complete the continuing education requirements that the Board
33 establishes for a general license; and

34 (3) Provide dental hygiene services as required under § 4-308(f) of this
35 subtitle.

1 (k) In addition to the requirements of subsections (a), (b), (c), and (d) of this
2 section, to qualify for a volunteer dentist's license to practice dentistry, the applicant
3 shall:

4 (1) Satisfy the requirements of § 4-306(b)(1) and (d)(2) of this subtitle;

5 (2) Hold an active license to practice dentistry in another state or in the
6 District of Columbia;

7 (3) Complete the continuing education requirements that the Board
8 establishes for a general license;

9 (4) Provide dental services exclusively in the manner described in §
10 4-308(c) of this subtitle; and

11 (5) Immediately upon ceasing to provide services exclusively in the
12 manner described in § 4-308(c), surrender the volunteer license to the Board.

13 (l) In addition to the requirements of subsections (a), (b), (c), and (e) of this
14 section, to qualify for a volunteer dental hygienist's license to practice dental hygiene,
15 an applicant shall:

16 (1) Satisfy the requirements of § 4-306(b)(2) and (e)(2) of this subtitle;

17 (2) Hold an active license to practice dental hygiene in another state or
18 in the District of Columbia;

19 (3) Complete the continuing education requirements that the Board
20 establishes for a general license;

21 (4) Provide dental hygiene services exclusively in the manner described
22 in § 4-308(f) of this subtitle; and

23 (5) Immediately upon ceasing to provide services exclusively in the
24 manner described in § 4-308(f), surrender the volunteer license to the Board.

25 (M) TO QUALIFY FOR A LIMITED LICENSE TO PRACTICE DENTISTRY, THE
26 APPLICANT SHALL MEET THE REQUIREMENTS SET FORTH IN SUBSECTIONS (A), (B),
27 (C), AND (D) OF THIS SECTION.

28 4-303.

29 (a) Subject to the provisions of this section, the Board may waive the
30 education requirements of § 4-302 of this subtitle for an applicant for a limited
31 license who does not hold a Degree of Doctor of Dental Surgery, Doctor of Dental
32 Medicine, or the equivalent from a college or university that is authorized by any
33 state or any province of Canada to grant the degree and is recognized by the Board
34 under § 4-302(d)(2) of this subtitle.

35 (b) The Board may grant a waiver under this section only if the applicant:

1 (1) [Passes a series of preliminary tests given by the Board under its
2 regulations to determine that the applicant is qualified to take the examination for a
3 general license to practice dentistry;

4 (2)] Completes at least 2 years of formal general clinical training in a
5 college or university that is authorized by any state or any province of Canada to
6 grant the Degree of Doctor of Dental Surgery, Doctor of Dental Medicine, or the
7 equivalent and is recognized by the Board under § 4-302(d)(2) of this subtitle; and

8 [(3)] (2) Meets any other requirements that the Board establishes for a
9 waiver of the education requirements of § 4-302 of this subtitle.

10 (c) (1) Notwithstanding the provisions of subsection (b) of this section and §
11 4-302(g) of this subtitle, the Board may grant a waiver for a teacher's license if it
12 finds that:

13 (i) The applicant holds a Degree of Doctor of Dental Surgery,
14 Doctor of Dental Medicine, or an equivalent degree from a school, college, or faculty of
15 dentistry;

16 (ii) The applicant demonstrates that the applicant has had at least
17 5 years of clinical dental experience;

18 (iii) The applicant is found to be of good moral character and
19 professionally competent;

20 (iv) The Dean of the University of Maryland Dental School requests
21 the waiver and circumstances exist that justify the granting of a waiver; and

22 (v) The applicant is appointed to a full-time OR PART-TIME faculty
23 position at the University of Maryland Dental School.

24 (2) A teacher's license granted pursuant to a waiver under paragraph (1)
25 of this subsection:

26 (i) Authorizes the licensee to practice dentistry to the same extent
27 as other faculty members who hold general licenses to practice dentistry, provided
28 that the licensee only practices dentistry at established teaching sites and faculty
29 programs of the University of Maryland Dental School; and

30 (ii) Shall be surrendered immediately to the Board when the
31 licensee ceases to hold an appointment as a full-time OR PART-TIME faculty member
32 of the University of Maryland Dental School.

33 4-305.

34 (a) An applicant who otherwise qualifies for a general license to practice
35 dentistry or a general license to practice dental hygiene is entitled to be examined as
36 provided in this section.

1 (b) [The Board shall give examinations to applicants twice a year, at the times
2 and places that the Board determines.

3 (c) The Board shall notify each qualified applicant of the time and place of
4 examination.

5 [(d)] (C) [(1) Except as otherwise provided in this subsection, the] THE
6 Board shall determine the subjects, scope, form, and passing score for examinations
7 given under this title.

8 [(2) To the extent the Board finds practicable, the examination given to
9 applicants for a general license to practice dentistry shall be in writing.]

10 [(e)] (D) An applicant shall pay:

11 (1) To the Board an examination fee set by the Board in an amount that
12 does not exceed the costs of administering the examination; or

13 (2) To an examining body designated by the Board an examination fee
14 set by the examining body as approved by the Board.

15 [(f)] (1) An applicant who fails an examination twice shall complete 40 hours
16 of additional education in an accredited school of dentistry or a dental hygiene
17 program accredited by the American Dental Association Commission on Dental
18 Accreditation, as appropriate, before the applicant may retake the examination.

19 (2) An applicant who fails an examination 3 times shall retake and
20 successfully complete the senior year of education at an accredited school of dentistry
21 or a dental hygiene program accredited by the American Dental Association
22 Commission on Dental Accreditation, as appropriate, before the applicant may retake
23 the examination.

24 (3)] (E) An applicant who fails an examination 4 times may not be
25 [reexamined] LICENSED.

26 [(g)] (F) Consumer members of the Board may only participate in the
27 proctoring or monitoring of examinations under this title.

28 [(h)] (G) Unless authorized by the Board, a dental hygienist member of the
29 Board may not participate in any activity relating to the examination of dentists
30 under this title.

31 4-307.

32 (a) The Board shall issue the appropriate license to any applicant who meets
33 the requirements of this title for that license.

34 (b) (1) The Board shall include on each license that the Board issues:

35 (i) The name of the licensee;

- 1 (ii) The date the license was issued;
- 2 (iii) A serial number;
- 3 (iv) The signatures of the president and secretary of the Board; and
- 4 (v) The seal of the Board.

5 (2) On a limited license to practice dentistry, the Board also shall
6 include:

7 (i) The date the license expires, for a license that expires on the
8 first anniversary of its effective date; and

9 (ii) The name of the institution or public health program at which
10 the licensee is authorized to practice dentistry.

11 (3) On a teacher's license to practice dentistry, the Board also shall
12 include the name of the college or university at which the licensee is a full-time OR
13 PART-TIME faculty member.

14 (4) On a teacher's license to practice dental hygiene, the Board also shall
15 include the name of the dental school at which the licensee is a full-time OR
16 PART-TIME faculty member.

17 (c) The Board shall issue a license to replace a lost or destroyed license if the
18 licensee pays a fee [of \$5] SET BY THE BOARD THAT APPROXIMATES THE ACTUAL
19 COST OF REPLACING THE LICENSE.

20 4-309.

21 (a) (1) Except as otherwise provided in this subsection, a license expires on
22 the date set by the Board, unless the license is renewed for an additional term as
23 provided in this section. A license may not be renewed for a term longer than 2 years.

24 (2) Except as provided in § 4-303.1 of this subtitle, a limited license to
25 practice dentistry expires on the first anniversary of its effective date.

26 (3) A teacher's license to practice dentistry or a teacher's license to
27 practice dental hygiene expires on the earlier of:

28 (i) The date set by the Board, unless the license is renewed for an
29 additional term as provided in this section; or

30 (ii) The date when the licensee ceases to be a full-time OR
31 PART-TIME faculty member at the institution named on the license.

32 (b) If a teacher's license to practice dentistry expires because the licensee no
33 longer is a full-time OR PART-TIME faculty member at the institution named on the
34 license, the licensee shall surrender the license to the Board secretary within 30 days.

1 4-318.

2 (a) Except as otherwise provided in the Administrative Procedure Act, before
3 the Board takes any action under § 4-315 of this subtitle, it shall give the individual
4 against whom the action is contemplated an opportunity for a hearing before the
5 Board.

6 (b) The Board shall give notice and hold the hearing in accordance with the
7 Administrative Procedure Act.

8 (c) [At least 10 days before the hearing, the hearing notice and a copy of the
9 complaint required by § 4-316 of this subtitle shall be served on the individual by
10 delivery to the last known business and home addresses of the individual by:

11 (1) Hand delivery; or

12 (2) Certified mail, return receipt requested, bearing a postmark from the
13 United States Postal Service.

14 (d) In accordance with the State budget, the Board may authorize payment of
15 fees and travel expenses of witnesses who testify in a proceeding under this section.

16 [(e)] (D) The individual may be represented at the hearing by counsel.

17 [(f)] (E) The Board may administer oaths and take depositions of witnesses in
18 any proceeding under this section.

19 [(g)] (F) (1) Over the signature of an officer or the administrator of the
20 Board, the Board may issue subpoenas and administer oaths to witnesses in
21 connection with any investigation under this title and any hearings or proceedings
22 before it.

23 (2) The Board shall issue subpoenas on behalf of the individual if the
24 individual requests in writing that the Board do so.

25 (3) If, without lawful excuse, a person disobeys a subpoena from the
26 Board or an order by the Board to take an oath or to testify or answer a question,
27 then, on petition of the Board, a court of competent jurisdiction may punish the
28 person as for contempt of court.

29 (4) If, without lawful excuse, an individual disobeys a subpoena from the
30 Board or an order by the Board to take an oath, testify, or answer a question, on
31 petition of the Board, a court of competent jurisdiction may compel compliance with
32 the subpoena.

33 [(h)] (G) If after due notice the individual against whom the action is
34 contemplated fails or refuses to appear, nevertheless the Board may hear and
35 determine the matter.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the term of office for the
2 following members of the State Board of Dental Examiners serving on October 1,
3 2006, shall expire as follows:

4 (1) the members appointed for the term beginning October 1, 2003, shall
5 expire on May 31, 2007;

6 (2) the members appointed for the term beginning October 1, 2004, shall
7 expire on May 31, 2008;

8 (3) the members appointed for the term beginning October 1, 2005, shall
9 expire on May 31, 2009; and

10 (4) the members appointed for the term beginning October 1, 2006, shall
11 expire on May 31, 2010.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2006.