
By: **Senators Brochin and Hollinger**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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,
26 Article - Health Occupations
27 Section 4-202(h), 4-302, 4-303, 4-305, 4-307, 4-309, and 4-318
28 Annotated Code of Maryland
29 (2005 Replacement Volume)

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

1

Article - Health Occupations

2 4-201.

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

4 4-202.

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

6 (2) Of the 16 Board members:

7 (i) 9 shall be licensed dentists;

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

9 (iii) 3 shall be consumer members.

10 (3) The Governor shall appoint the dentist Board members, with the
11 advice of the Secretary, from a list of names submitted to the Governor jointly by the
12 Maryland State Dental Association and the Maryland Dental Society. The number of
13 names on the list for one vacancy shall be at least four names, for two vacancies at
14 least three names for each vacancy, and for three or more vacancies at least two
15 names for each vacancy.

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

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

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

23 (2) The terms of the members are staggered as required by the terms
24 provided for members of the Board on [October 1, 2005] OCTOBER 1, 2006.25 (3) At the end of a term, a member continues to serve until a successor is
26 appointed and qualifies.27 (4) A member who is appointed after a term has begun serves only for
28 the rest of the term and until a successor is appointed and qualifies.29 (5) A member may not be appointed for more than 2 consecutive full
30 terms.31 (6) To the extent practicable, the Governor shall fill any vacancy on the
32 Board within 60 days of the date of the vacancy.

1 4-302.

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

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

5 (c) To qualify for a license to practice dentistry, the applicant shall be at least
6 18 years old.

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

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

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

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

17 (1) Requires at least 2 years of education in an institution of higher
18 education;

19 (2) Is accredited by the American Dental Association Commission on
20 Dental Accreditation; and

21 (3) Is approved by the Board.

22 (f) (1) Unless the examination requirement is waived under § 4-306 or §
23 4-310 of this subtitle, and except as provided in § 4-303.1 of this subtitle, to qualify
24 for a general license to practice dentistry or a general license to practice dental
25 hygiene, the applicant shall pass an examination given by the Board under this
26 subtitle.

27 (2) An examination is not required for a teacher's license to practice
28 dentistry, a limited license to practice dentistry, or a teacher's license to practice
29 dental hygiene.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (4) Provide dental services exclusively in the manner described in §
6 4-308(c) of this subtitle; and

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

9 (1) In addition to the requirements of subsections (a), (b), (c), and (e) of this
10 section, to qualify for a volunteer dental hygienist's license to practice dental hygiene,
11 an applicant shall:

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

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

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

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

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

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

24 4-303.

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

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

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

35 (2)] Completes at least 2 years of formal general clinical training in a
36 college or university that is authorized by any state or any province of Canada to

1 grant the Degree of Doctor of Dental Surgery, Doctor of Dental Medicine, or the
2 equivalent and is recognized by the Board under § 4-302(d)(2) of this subtitle; and

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

5 (c) (1) Notwithstanding the provisions of subsection (b) of this section and §
6 4-302(g) of this subtitle, the Board may grant a waiver for a teacher's license if it
7 finds that:

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

11 (ii) The applicant demonstrates that the applicant has had at least
12 5 years of clinical dental experience;

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

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

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

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

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

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

28 4-305.

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

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

34 (c)] The Board shall notify each qualified applicant of the time and place of
35 examination.

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

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

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

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

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

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

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

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

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

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

27 4-307.

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

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

31 (i) The name of the licensee;

32 (ii) The date the license was issued;

33 (iii) A serial number;

34 (iv) The signatures of the president and secretary of the Board; and

1 (v) The seal of the Board.

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

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

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

8 (3) On a teacher's license to practice dentistry, the Board also shall
9 include the name of the college or university at which the licensee is a full-time
10 faculty member.

11 (4) On a teacher's license to practice dental hygiene, the Board also shall
12 include the name of the dental school at which the licensee is a full-time faculty
13 member.

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

17 4-309.

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

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

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

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

27 (ii) The date when the licensee ceases to be a full-time faculty
28 member at the institution named on the license.

29 (b) If a teacher's license to practice dentistry expires because the licensee no
30 longer is a full-time OR PART-TIME faculty member at the institution named on the
31 license, the licensee shall surrender the license to the Board secretary within 30 days.
32 4-318.

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

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

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

6 (1) Hand delivery; or

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

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

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

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

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

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

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

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

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

31 SECTION 2. AND BE IT FURTHER ENACTED, That the term of office for the
32 following members of the State Board of Dental Examiners serving on October 1,
33 2006, shall expire as follows:

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

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

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

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

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