

HOUSE BILL 70

J2

71r1458

By: **Delegates Morhaim, Nathan-Pulliam, and Oaks**

Introduced and read first time: January 22, 2007

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Dental Examiners – Nomination of Board Members**

3 FOR the purpose of adding the Maryland Academy of General Dentistry to the list of
4 dental organizations that submit nominees for the State Board of Dental
5 Examiners to the Governor; increasing the number of weeks before a certain
6 meeting that a certain notice must be mailed; and generally relating to the
7 nomination process for the State Board of Dental Examiners.

8 BY repealing and reenacting, with amendments,
9 Article – Health Occupations
10 Section 4–202
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2006 Supplement)

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

15 **Article – Health Occupations**

16 4–202.

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

18 (2) Of the 16 Board members:

19 (i) 9 shall be licensed dentists;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (iii) 3 shall be consumer members.

3 (3) The Governor shall appoint the dentist Board members, with the
4 advice of the Secretary, from a list of names submitted to the Governor jointly by the
5 Maryland State Dental Association [and], the Maryland Dental Society, **AND THE**
6 **MARYLAND ACADEMY OF GENERAL DENTISTRY**. The number of names on the list
7 for one vacancy shall be at least four names, for two vacancies at least three names for
8 each vacancy, and for three or more vacancies at least two names for each vacancy.

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

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

15 (b) (1) At a joint meeting held by the Maryland State Dental Association
16 [and], the Maryland Dental Society, **AND THE MARYLAND ACADEMY OF GENERAL**
17 **DENTISTRY** called to choose nominees for a dentist vacancy on the Board, a majority
18 of the dentists present at the meeting shall choose the list of names of dentist
19 nominees to the Board for submission to the Governor.

20 (2) At a meeting held by the Maryland Dental Hygienists' Association
21 called to choose nominees for a dental hygienist vacancy on the Board, a majority of
22 the dental hygienists present at the meeting shall choose the list of names of dental
23 hygienist nominees to the Board for submission to the Governor.

24 (3) At least [2] 4 weeks before a meeting is held under paragraph (1)
25 of this subsection, the secretaries of the appropriate organizations shall mail to each
26 licensed practitioner actively practicing in Maryland, at the address appearing in their
27 records or the records of the Board, a notice that states the time, place, and purpose of
28 the meeting.

29 (4) At least 2 weeks before a meeting is held under paragraph (2) of
30 this subsection, the secretary of the Maryland Dental Hygienists' Association shall
31 mail to each licensed dental hygienist, at the address appearing in their records or the
32 records of the Board, a notice that states the time, place, and purpose of the meeting.

1 (c) Each dentist Board member:

2 (1) Shall be an individual of recognized ability and honor;

3 (2) Shall be a practicing holder of a general license to practice
4 dentistry who has practiced dentistry actively in this State for at least 5 years
5 immediately before appointment;

6 (3) Shall be a resident of this State; and

7 (4) In the case of a Board member belonging to an association whose
8 members are regulated by the Board, may not be:

9 (i) An officer of the association;

10 (ii) A member of the association's governing board or committee;

11 (iii) A member of the association's house of delegates; or

12 (iv) A voting member of a committee of the association that
13 contributes to the establishment of governmental, regulatory, or legislative policy
14 objectives of the association.

15 (d) Each dental hygienist Board member:

16 (1) Shall be a practicing holder of a general license to practice dental
17 hygiene who has practiced dental hygiene actively in this State for at least 3 years
18 immediately before appointment;

19 (2) Shall be a resident of this State;

20 (3) In the case of a Board member belonging to an association whose
21 members are regulated by the Board, may not be:

22 (i) An officer of the association;

23 (ii) A member of the association's governing board or committee;

24 (iii) A member of the association's house of delegates; or

25 (iv) A voting member of a committee of the association that
26 contributes to the establishment of governmental, regulatory, or legislative policy
27 objectives of the association.

1 (e) Each consumer member of the Board:

2 (1) Shall be a member of the general public;

3 (2) May not be or ever have been a dentist or dental hygienist or in
4 training to become a dentist or dental hygienist;

5 (3) May not have a household member who is a dentist or dental
6 hygienist or in training to become a dentist or dental hygienist;

7 (4) May not participate or ever have participated in a commercial or
8 professional field related to dentistry;

9 (5) May not have a household member who participates in a
10 commercial or professional field related to dentistry; and

11 (6) May not have had within 2 years before appointment a substantial
12 financial interest in a person regulated by the Board.

13 (f) While a member of the Board, a consumer member may not have a
14 substantial financial interest in a person regulated by the Board.

15 (g) Before taking office, each appointee to the Board shall take the oath
16 required by Article I, § 9 of the State Constitution.

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

18 (2) The terms of the members are staggered as required by the terms
19 provided for members of the Board on October 1, 2006.

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

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

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

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

1 (i) (1) The Governor may remove a member for incompetence,
2 misconduct, continued neglect of duties imposed by this subtitle, unprofessional
3 conduct, or dishonorable conduct.

4 (2) The Governor shall remove a member whom the Governor finds to
5 have been absent from 2 successive Board meetings without adequate reason.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2007.