

HOUSE BILL 501

J2

0lr2338
CF SB 325

By: **Delegate Hammen (Chair, Health and Government Operations Committee) and Delegate V. Turner**

Introduced and read first time: February 1, 2010

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2010

CHAPTER _____

1 AN ACT concerning

2 **State Board of Dental Examiners – Sunset Extension and Revisions**

3 FOR the purpose of continuing the State Board of Dental Examiners in accordance
4 with the provisions of the Maryland Program Evaluation Act (sunset law) by
5 extending to a certain date the termination provisions relating to the statutory
6 and regulatory authority of the Board; requiring that an evaluation of the Board
7 and the statutes and regulations that relate to the Board be performed on or
8 before a certain date; authorizing the solicitation of nominations for certain
9 Board vacancies to be sent by electronic mail; expanding the grounds for
10 discipline for a dentist and dental hygienist; altering certain defined terms;
11 renaming and expanding the services of a certain committee to certain dental
12 professionals; making technical changes; requiring the Board to report to
13 certain committees of the General Assembly on or before a certain date; and
14 generally relating to the State Board of Dental Examiners.

15 BY repealing and reenacting, with amendments,

16 Article – Health Occupations

17 Section 4–202(b), 4–315(a)(30) and (31) and (b)(16) and (17), 4–501.1, 4–508,
18 and 4–702

19 Annotated Code of Maryland
20 (2009 Replacement Volume)

21 BY adding to

22 Article – Health Occupations

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 4–315(a)(32) and (b)(18)
2 Annotated Code of Maryland
3 (2009 Replacement Volume)

4 BY repealing and reenacting, without amendments,
5 Article – State Government
6 Section 8–403(a)
7 Annotated Code of Maryland
8 (2009 Replacement Volume)

9 BY repealing and reenacting, with amendments,
10 Article – State Government
11 Section 8–403(b)(16)
12 Annotated Code of Maryland
13 (2009 Replacement Volume)

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 4–202.

18 (b) (1) For each licensed dentist vacancy, the Board shall:

19 (i) Send by **ELECTRONIC** mail **OR REGULAR MAIL** a [written]
20 solicitation for nominations to fill the vacancy to:

21 1. Each dentist licensed by the Board; and

22 2. Each State dental organization affiliated with a
23 national organization; and

24 (ii) Conduct a balloting process by which each dentist licensed
25 by the State is eligible to vote to select the names of the licensed dentists to be
26 submitted to the Governor.

27 (2) For each licensed dental hygienist vacancy, the Board shall:

28 (i) Send by **ELECTRONIC** mail **OR REGULAR MAIL** a [written]
29 solicitation for nominations to fill the vacancy to:

30 1. Each dental hygienist licensed by the Board; and

31 2. Each State dental hygienist organization affiliated
32 with a national organization; and

1 (ii) Conduct a balloting process by which each dental hygienist
2 licensed by the State is eligible to vote to select the names of the licensed dental
3 hygienists to be submitted to the Governor.

4 (3) The Board shall develop guidelines for the solicitation of
5 nominations and balloting process that to the extent possible will result in the overall
6 composition of the Board reasonably reflecting the geographic, racial, ethnic, and
7 gender diversity of the State.

8 4–315.

9 (a) Subject to the hearing provisions of § 4–318 of this subtitle, the Board
10 may deny a general license to practice dentistry, a limited license to practice dentistry,
11 or a teacher’s license to practice dentistry to any applicant, reprimand any licensed
12 dentist, place any licensed dentist on probation, or suspend or revoke the license of
13 any licensed dentist, if the applicant or licensee:

14 (30) Fails to begin to fulfill a public service requirement within 1 year
15 of when the assignment is to begin that was a condition of the applicant or licensee
16 receiving State or federal loans or scholarships for the applicant’s or licensee’s dental
17 education; [or]

18 (31) Fails to comply with any Board order; **OR**

19 **(32) ~~FAILS TO COMPLY WITH AN INVESTIGATION OF THE BOARD~~**
20 **WILLFULLY AND WITHOUT LEGAL JUSTIFICATION, FAILS TO COOPERATE WITH A**
21 **LAWFUL INVESTIGATION CONDUCTED BY THE BOARD.**

22 (b) Subject to the hearing provisions of § 4–318 of this subtitle, the Board
23 may deny a general license to practice dental hygiene, a teacher’s license to practice
24 dental hygiene, or a temporary license to practice dental hygiene to any applicant,
25 reprimand any licensed dental hygienist, place any licensed dental hygienist on
26 probation, or suspend or revoke the license of any licensed dental hygienist, if the
27 applicant or licensee:

28 (16) Except in an emergency life–threatening situation where it is not
29 feasible or practicable, fails to comply with the Centers for Disease [Control’s]
30 **CONTROL AND PREVENTION’S** guidelines on universal precautions; [or]

31 (17) Fails to comply with any Board order; **OR**

32 **(18) ~~FAILS TO COMPLY WITH AN INVESTIGATION OF THE BOARD~~**
33 **WILLFULLY AND WITHOUT LEGAL JUSTIFICATION, FAILS TO COOPERATE WITH A**
34 **LAWFUL INVESTIGATION CONDUCTED BY THE BOARD.**

35 4–501.1.

1 (a) In this section, [“Dentist Rehabilitation] **“DENTAL WELL-BEING**
2 **Committee”** means the committee of the Maryland State Dental Association that
3 evaluates and provides assistance to any provider of dental care in need of treatment
4 and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical,
5 emotional, or mental condition.

6 (b) (1) Subject to the provisions of paragraph (2) of this subsection, the
7 Maryland State Dental Association shall appoint the members of the [Dentist
8 Rehabilitation] **DENTAL WELL-BEING** Committee.

9 (2) At least one member of the [Dentist Rehabilitation] **DENTAL**
10 **WELL-BEING** Committee shall be a member of the Maryland Dental Society.

11 (c) The Board shall fund the budget of the [Dentist Rehabilitation] **DENTAL**
12 **WELL-BEING** Committee as provided in § 4-207 of this title.

13 (d) The Legislative Auditor shall audit the accounts and transactions of the
14 [Dentist Rehabilitation] **DENTAL WELL-BEING** Committee as provided in § 2-1220
15 of the State Government Article.

16 4-508.

17 (a) In this section, “Dental [Hygienist Rehabilitation] **HYGIENE**
18 **WELL-BEING** Committee” means the committee of the Maryland Dental Hygienists’
19 Association that evaluates and provides assistance to any dental hygienist, **DENTAL**
20 **RADIATION TECHNOLOGIST, OR DENTAL ASSISTANT** in need of treatment and
21 rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical,
22 emotional, or mental condition.

23 (b) The Maryland Dental Hygienists’ Association shall appoint the members
24 of the Dental [Hygienist Rehabilitation] **HYGIENE WELL-BEING** Committee.

25 (c) The Board shall fund the budget of the Dental [Hygienist Rehabilitation]
26 **HYGIENE WELL-BEING** Committee as provided in § 4-207 of this title.

27 (d) The Legislative Auditor shall audit the accounts and transactions of the
28 Dental [Hygienist Rehabilitation] **HYGIENE WELL-BEING** Committee as provided in
29 § 2-1220 of the State Government Article.

30 (e) (1) Except as otherwise provided in this subsection, the proceedings,
31 records, and files of the Dental [Hygienist Rehabilitation] **HYGIENE WELL-BEING**
32 **Committee** are not discoverable and are not admissible in evidence in any civil action
33 arising out of matters that are being or have been reviewed and evaluated by the
34 Dental [Hygienist Rehabilitation] **HYGIENE WELL-BEING** Committee.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.