

Chapter 542

(Senate Bill 325)

AN ACT concerning

State Board of Dental Examiners – Sunset Extension and Revisions

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

BY repealing and reenacting, with amendments,

Article – Health Occupations

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

Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to

Article – Health Occupations

Section 4–315(a)(32) and (b)(18)

Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – State Government

Section 8–403(a)

Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Government

Section 8–403(b)(16)

Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Health Occupations

4–202.

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

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

1. Each dentist licensed by the Board; and
2. Each State dental organization affiliated with a national organization; and

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

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

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

1. Each dental hygienist licensed by the Board; and
2. Each State dental hygienist organization affiliated with a national organization; and

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

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

4–315.

(a) Subject to the hearing provisions of § 4–318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher’s license to practice dentistry to any applicant, reprimand any licensed

dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

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

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

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

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

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

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

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

4-501.1.

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

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

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

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

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

4-508.

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

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

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

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

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

(2) Paragraph (1) of this subsection does not apply to any record or document that is considered by the Dental **[Hygienist Rehabilitation] HYGIENE WELL-BEING** Committee and that otherwise would be subject to discovery or introduction into evidence in a civil action.

(3) For purposes of this subsection, civil action does not include a proceeding before the Board or judicial review of a proceeding before the Board.

(f) A person who acts in good faith and within the scope of jurisdiction of a Dental **[Hygienist Rehabilitation] HYGIENE WELL-BEING** Committee is not civilly liable for any action as a member of the Dental **[Hygienist Rehabilitation] HYGIENE**

WELL-BEING Committee or for giving information to, participating in, or contributing to the function of the **[Rehabilitation] WELL-BEING** Committee.

4-702.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, **[2011] 2021**.

Article – State Government

8-403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(16) Dental Examiners, State Board of (§ 4-201 of the Health Occupations Article: July 1, **[2010] 2020**);

SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Dental Examiners shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee on or before October 1, 2011, in accordance with § 2-1246 of the State Government Article, on the implementation of recommendations of the Department of Legislative Services contained in the sunset evaluation report dated October 2009.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.

Approved by the Governor, May 20, 2010.