

Chapter 592

(Senate Bill 664)

AN ACT concerning

Environment – Dental Radiation Machines – Inspections

FOR the purpose of requiring a State inspector to provide a dental office or dental facility a certain written notice under certain circumstances; prohibiting the Department of the Environment from imposing a fine on a dental office or dental facility for a certain violation under certain circumstances; and generally relating to inspections of dental radiation machines.

BY repealing and reenacting, with amendments,
Article – Environment
Section 8–301(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Environment

8–301.

(c) (1) For a dental office or dental facility operated by a licensed dentist, a partnership of licensed dentists, a professional association of licensed dentists, or a public health dental facility, the Secretary may adopt regulations that establish a fee to offset the costs of monitoring and regulating sources of radiation within that dental facility.

(2) Except as provided in paragraphs (3) and (4) of this subsection, the fees established under this subsection may not exceed:

(i) For the first 2 years beginning July 1, 2002, \$60 per dental radiation machine per year;

(ii) From June 30, 2004, through June 30, 2006, inclusive, \$70 per dental radiation machine per year; and

(iii) 1. After June 30, 2006, through at least June 30, 2010, \$80 per dental radiation machine per year; and

2. After June 30, 2010, the fee per dental radiation machine shall continue to be \$80 per year unless altered by the General Assembly.

(3) The Secretary shall reduce fees proportionately to reflect the balance of any unspent or unencumbered fees collected under this subsection in the previous fiscal year.

(4) If a dental radiation machine is not inspected within any 3-year period and all annual fees were paid during that 3-year period, an additional annual inspection fee is not required to be paid until a dental radiation machine inspection is performed by a State inspector.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, inspection of the dental radiation machines at each dental office or facility may not be performed more than once every 3 years.

(ii) Inspection of the dental radiation machines at a dental office or facility may be performed more than once every 3 years if the Department has grounds to believe that:

1. A violation of this title or any rule, regulation, order, registration, certificate, or license adopted or issued under this title may exist; or
2. A hazard associated with the use of radiation may exist.

(6) (I) IF, BASED ON AN INSPECTION OF A DENTAL RADIATION MACHINE AT A DENTAL OFFICE OR FACILITY, THE STATE INSPECTOR DETERMINES THAT THERE IS A VIOLATION OF THIS TITLE AND THE VIOLATION DOES NOT PRESENT A SERIOUS AND ~~IMMEDIATE~~ PROBABLE DANGER TO THE PATIENTS OR EMPLOYEES OF THE DENTAL OFFICE OR FACILITY, THE STATE INSPECTOR SHALL PROVIDE THE DENTAL OFFICE OR FACILITY A WRITTEN NOTICE:

1. SETTING FORTH THE NATURE OF THE VIOLATION AND THE REQUIRED CORRECTIVE ACTION;

2. INFORMING THE DENTAL OFFICE OR FACILITY THAT THE DENTAL OFFICE OR FACILITY HAS 20 WORKING DAYS TO COMPLY WITH THE CORRECTIVE ACTION; AND

3. INFORMING THE DENTAL OFFICE OR FACILITY OF THE REQUIRED PROCEDURE TO INFORM THE DEPARTMENT THAT THE CORRECTIVE ACTION HAS BEEN COMPLETED.

(II) IF THE CORRECTIVE ACTION IS COMPLETED WITHIN 20 WORKING DAYS IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT MAY NOT IMPOSE A FINE ON A DENTAL OFFICE OR DENTAL FACILITY FOR A VIOLATION OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2010.

Approved by the Governor, May 20, 2010.