

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 325

(Senator Conway)(Chair, Education, Health, and
Environmental Affairs Committee)

Education, Health, and Environmental Affairs

Health and Government Operations

State Board of Dental Examiners - Sunset Extension and Revisions

This bill extends the termination date of the State Board of Dental Examiners by 10 years to July 1, 2021, and requires an evaluation of the board by July 1, 2020. The bill also authorizes the board to solicit electronically for nominations to fill board member vacancies and to sanction a licensee who, willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the board. The statutory jurisdiction of the Dental Hygiene Well-Being Committee is expanded to include dental radiation technologists and dental assistants in need of treatment or rehabilitation, consistent with current practice. The bill also conforms the names of the rehabilitation committees to the names used in regulations and current practice. Finally, the board is required to report to specified committees of the General Assembly by October 1, 2011.

The bill takes effect June 1, 2010.

Fiscal Summary

State Effect: Special fund revenues and expenditures for the board are maintained beyond FY 2011. The Governor's proposed FY 2011 budget includes \$2,108,919 for board operations. The bill's reporting requirement can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: The mission of the board is to protect the public's health through the licensing and regulation of the dental industry. Dental care is typically provided by dentists, dental hygienists, and dental assistants. The board is authorized to regulate all of these practitioners as well as the practice of dentistry itself. In fiscal 2009, almost 18,000 licenses, certificates, and permits were held by dentists, dental hygienists, dental radiation technologists, and other dental professionals.

The nomination process for board vacancies was extensively modified by Chapters 211 and 212 of 2008. Solicitations for nominations for board vacancies are required to be distributed in written form through regular mail, which has proven cumbersome and costly for the board.

The Dentist Rehabilitation Committee evaluates and provides assistance to a dental care provider in need of treatment and rehabilitation for alcoholism; drug abuse; chemical dependency; or other physical, emotional, or mental condition. The Dental Hygienist Rehabilitation Committee provides the same services to dental hygienists; in practice, however, the board also refers dental radiation technologists and dental assistants to that committee.

The board is one of approximately 70 entities currently subject to periodic evaluation under the Maryland Program Evaluation Act. The Act establishes a process better known as "sunset review" as most agencies evaluated are also subject to termination, including the State Board of Dental Examiners, which is scheduled to terminate July 1, 2011. The sunset review process begins with a preliminary evaluation conducted by the Department of Legislative Services (DLS) on behalf of the Legislative Policy Committee (LPC). LPC decides whether to waive an agency from further (or full) evaluation. If waived, legislation to reauthorize the agency typically is enacted. Otherwise, a full evaluation usually is undertaken the following year.

A full evaluation conducted by DLS in 2009 found that the board has taken many steps to address concerns raised by the Legislative and Executive branches and past evaluations performed by DLS. However, the board has yet to fully address legislative mandates passed in 2008 that required the board to make a number of changes. In addition, the board has struggled to retain administrative staff, particularly in the upper levels of management; the board has seen four executive directors in the past five years. DLS believes the current administrative staff is highly capable of improving board operations. The report made recommendations to further improve the complaint resolution process, facilitate licensure renewals, enhance recordkeeping and availability of information to licensees and the public, and monitor the board's fund balance. DLS further recommended that legislation be enacted to extend the termination date for the board

by 10 years to July 1, 2021. DLS recommends the adoption of uncodified language requiring the board to report to specified legislative committees on the implementation status of nonstatutory recommendations made in its report by October 1, 2011. This bill implements those recommendations, as adopted by LPC at its December 15, 2009 meeting.

Additional Information

Prior Introductions: None.

Cross File: HB 501 (Delegate Hammen) (Chair, Health and Government Operations Committee) – Health and Government Operations.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2010
mam/mcr Revised - Senate Third Reader - April 6, 2010

Analysis by: Erin McMullen

Direct Inquiries to:
(410) 946-5510
(301) 970-5510