

SENATE BILL 614

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3lr2155
CF HB 625

By: **Senator Klausmeier**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Dental Radiation Machines – Maintenance and Inspections**

3 FOR the purpose of repealing a provision authorizing the delay of an annual
4 inspection fee under certain circumstances; requiring a dental radiation
5 machine at a certain dental office or facility to be maintained according to
6 certain specifications or at least annually; requiring maintenance of a dental
7 radiation machine to be performed within a certain period of time by a service
8 provider that is registered with the Department of the Environment; requiring a
9 dental office or facility to maintain certain documentation and reports;
10 requiring a dental office or facility to provide certain information to the
11 Department within a certain period of time; repealing the prohibition against
12 inspecting a dental radiation machine more than once every three years;
13 repealing the authorization for a State inspector to inspect a dental radiation
14 machine under certain circumstances; authorizing the Department to inspect a
15 dental radiation machine under certain circumstances; making conforming
16 changes; and generally relating to the maintenance and inspections of dental
17 radiation machines.

18 BY repealing and reenacting, with amendments,

19 Article – Environment

20 Section 8–301(c)

21 Annotated Code of Maryland

22 (2007 Replacement Volume and 2012 Supplement)

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

25 **Article – Environment**

26 8–301.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

12 (iii) 1. After June 30, 2006, through at least June 30, 2010,
13 \$80 per dental radiation machine per year; and

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

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

19 (4) **(I) [If a dental radiation machine is not inspected within any**
20 **3-year period and all annual fees were paid during that 3-year period, an additional**
21 **annual inspection fee is not required to be paid until a dental radiation machine**
22 **inspection is performed by a State inspector.] EACH DENTAL RADIATION MACHINE**
23 **AT A DENTAL OFFICE OR FACILITY SHALL BE MAINTAINED IN ACCORDANCE**
24 **WITH THE MANUFACTURER'S RECOMMENDED MAINTENANCE SPECIFICATIONS.**

25 **(II) IF THE RECOMMENDED MAINTENANCE SCHEDULE IS**
26 **NOT AVAILABLE FROM THE MANUFACTURER, MAINTENANCE SHALL BE**
27 **PERFORMED AT LEAST ANNUALLY.**

28 **(III) THE REQUIRED MAINTENANCE SHALL BE PERFORMED**
29 **BY A SERVICE PROVIDER REGISTERED WITH THE DEPARTMENT NO LATER THAN**
30 **THE LAST DAY OF THE SERVICE INTERVAL RECOMMENDED BY THE DENTAL**
31 **RADIATION MACHINE'S MANUFACTURER.**

32 **(IV) THE DENTAL OFFICE OR FACILITY SHALL:**

33 **1. MAINTAIN DOCUMENTATION THAT THE**
34 **MANUFACTURER'S RECOMMENDED MAINTENANCE SCHEDULE HAS BEEN MET;**

1 **2. MAINTAIN A DETAILED SERVICE REPORT THAT**
2 **PROVIDES THE RESULTS OF ALL TESTS PERFORMED BY THE REGISTERED**
3 **SERVICE COMPANY; AND**

4 **3. PROVIDE THE FOLLOWING INFORMATION TO THE**
5 **DEPARTMENT NO LATER THAN 30 DAYS AFTER MAINTENANCE:**

6 **A. THE DOCUMENTATION AND REPORTS**
7 **MAINTAINED UNDER ITEMS 1 AND 2 OF THIS SUBPARAGRAPH; AND**

8 **B. ANY OTHER INFORMATION THAT THE**
9 **DEPARTMENT DETERMINES IS NECESSARY TO DEMONSTRATE THAT THE**
10 **REQUIRED MAINTENANCE HAS BEEN PERFORMED.**

11 (5) (i) Except as provided in subparagraph (ii) of this paragraph,
12 inspection of the dental radiation machines at each dental office or facility [may not be
13 performed more than once every 3 years] **SHALL BE PERFORMED AS REQUIRED BY**
14 **PARAGRAPH (4) OF THIS SUBSECTION.**

15 (ii) Inspection of the dental radiation machines at a dental office
16 or facility may be performed [more than once every 3 years if] **BY** the Department **IF**
17 **THE DEPARTMENT** has **REASONABLE** grounds to believe that:

18 1. A violation of this title or any rule, regulation, order,
19 registration, certificate, or license adopted or issued under this title may exist; or

20 2. A hazard associated with the use of radiation may
21 exist.

22 (6) (i) If, based on an inspection of a dental radiation machine at a
23 dental office or facility, the [State inspector] **DEPARTMENT** determines that there is a
24 violation of this title and the violation does not present a serious and probable danger
25 to the patients or employees of the dental office or facility, the [State inspector]
26 **DEPARTMENT** shall provide the dental office or facility a written notice:

27 1. Setting forth the nature of the violation and the
28 required corrective action;

29 2. Informing the dental office or facility that the dental
30 office or facility has 20 working days to comply with the corrective action; and

31 3. Informing the dental office or facility of the required
32 procedure to inform the Department that the corrective action has been completed.

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1 (ii) If the corrective action is completed within 20 working days
2 in accordance with subparagraph (i) of this paragraph, the Department may not
3 impose a fine on a dental office or dental facility for a violation of this title.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2013.