

HOUSE BILL 766

J2, J1

5lr1996
CF SB 421

By: **Delegate Kipke**

Introduced and read first time: February 13, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Dental Examiners – Authority – Exemptions**

3 FOR the purpose of altering certain exemptions from the authority of the State Board of
4 Dental Examiners; providing that the Board's authority does not apply to certain
5 clinics, government agencies, or nonprofit organizations; repealing the exemption
6 from the Board's authority of certain groups under certain circumstances; requiring
7 certain dental employees of certain government agencies or nonprofit organizations
8 to be under the authority of the Board; requiring the dentists employed by certain
9 government agencies or nonprofit organizations to be licensed and under certain
10 authority of the Board; and generally relating to the authority of the State Board of
11 Dental Examiners.

12 BY repealing and reenacting, with amendments,
13 Article – Health Occupations
14 Section 4–102
15 Annotated Code of Maryland
16 (2014 Replacement Volume)

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

19 **Article – Health Occupations**

20 4–102.

21 (a) (1) Except as otherwise provided in this subsection, this title does not limit
22 the right of an individual to practice a health occupation that the individual is authorized
23 to practice under this article.

24 (2) The provisions of this title do not affect a physician while practicing
25 medicine, unless the physician practices dentistry as a specialty.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) This title does not prohibit an educational program broadcast on radio or
2 television by the Department or by the health department of a political subdivision of this
3 State.

4 (c) This title does not apply to [a]:

5 (1) A clinic maintained by [a]:

6 (I) A public school[, a];

7 (II) A State, FEDERAL, OR LOCAL GOVERNMENT AGENCY OR
8 institution[, or];

9 (III) A DENTAL HYGIENE PROGRAM, THAT IS APPROVED BY THE
10 COMMISSION ON DENTAL ACCREDITATION (CODA), FOR AN INSTITUTION OF
11 HIGHER EDUCATION, AS DEFINED IN § 10-101 OF THE EDUCATION ARTICLE; OR

12 (IV) A charitable [institution, or a business corporation, for its pupils,
13 inmates, or employees if:

14 (1) The school or institution, or corporation does not advertise concerning
15 dentistry; and] ORGANIZATION, AS DEFINED IN § 6-101 OF THE BUSINESS
16 REGULATION ARTICLE;

17 (2) A STATE OR LOCAL GOVERNMENT AGENCY; OR

18 (3) A NONPROFIT ORGANIZATION THAT PROVIDES DENTAL SERVICES
19 AND IS:

20 (I) A HEALTH CARE CENTER OR PROGRAM THAT OFFERS
21 DENTAL SERVICES TO INDIVIDUALS:

22 1. FOR FREE OR ON A SLIDING SCALE FEE SCHEDULE;
23 AND

24 2. WITHOUT REGARD TO AN INDIVIDUAL'S ABILITY TO
25 PAY; OR

26 (II) A FEDERALLY QUALIFIED HEALTH CENTER OR A
27 FEDERALLY QUALIFIED HEALTH CENTER LOOK-ALIKE.

28 [(2)](D) Notwithstanding the provisions of [this] subsection (C) OF THIS
29 SECTION:

1 **[(i)](1)** Each dental hygienist, dental assistant, dental technician,
2 or other dental auxiliary employed by the clinic, **A STATE OR LOCAL GOVERNMENT**
3 **AGENCY, OR A NONPROFIT ORGANIZATION** shall be subject to the provisions of this title;
4 and

5 **[(ii)](2)** Each dentist employed by the clinic, **A STATE OR LOCAL**
6 **GOVERNMENT AGENCY, OR A NONPROFIT ORGANIZATION** shall be licensed and shall
7 be subject to the provisions of Subtitle 3 of this title.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2015.