

# SENATE BILL 887

J2

5lr2933

---

By: **Senator Conway**

Introduced and read first time: March 2, 2015

Assigned to: Rules

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Dentistry – Scope of Practice and Licensure Exception**

3 FOR the purpose of prohibiting the State Board of Dental Examiners from requiring a  
4 person to be licensed by the Board to engage in certain activities in the State; altering  
5 the definition of “practice dentistry”; and generally relating to the regulation of  
6 dentistry.

7 BY repealing and reenacting, with amendments,

8 Article – Health Occupations

9 Section 4–101(l) and 4–301

10 Annotated Code of Maryland

11 (2014 Replacement Volume)

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

14 **Article – Health Occupations**

15 4–101.

16 (l) “Practice dentistry” means to:

17 [(1) Be a manager, a proprietor, or a conductor of or an operator in any place  
18 in which a dental service or dental operation is performed intraorally;]

19 [(2)] (1) Perform or attempt to perform any intraoral dental service or  
20 intraoral dental operation;

21 [(3)] (2) Diagnose, treat, or attempt to diagnose or treat any disease,  
22 injury, malocclusion, or malposition of a tooth, gum, or jaw, or structures associated with a

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 tooth, gum, or jaw if the service, operation, or procedure is included in the curricula of an  
2 accredited dental school or in an approved dental residency program of an accredited  
3 hospital or teaching institution;

4            ~~[(4)]~~ **(3)**        Perform or offer to perform dental laboratory work;

5            ~~[(5)]~~ **(4)**        Place or adjust a dental appliance in a human mouth; or

6            ~~[(6)]~~ **(5)**        Administer anesthesia for the purposes of dentistry and not as a  
7 medical specialty.

8 4–301.

9            (a)    (1)    Except as otherwise provided in this title, an individual shall be  
10 licensed by the Board to practice dentistry before the individual may practice dentistry on  
11 a human being in this State.

12            (2)    Except as otherwise provided in this title, an individual shall be  
13 licensed by the Board to practice dental hygiene before the individual may practice dental  
14 hygiene on a human being in this State.

15            (b)    This section does not apply to:

16            (1)    A student of dentistry while engaged in an educational program at an  
17 approved school of dentistry;

18            (2)    A student of dental hygiene while engaged in an approved educational  
19 program in dental hygiene;

20            (3)    A dentist while performing official duties in a federal dental service;

21            (4)    An individual licensed to practice dentistry in any other state or a  
22 foreign country, while the individual:

23            (i)    Makes a clinical demonstration before a dental society, dental  
24 convention, association of dentists, or dental college; or

25            (ii)   Performs professional duties on a specific case for which the  
26 individual is called into this State; or

27            (5)    A dental assistant, if the dental assistant:

28            (i)    Subject to the rules and regulations adopted by the Board,  
29 performs only procedures that do not require the professional skills of a licensed dentist;  
30 and

1                   (ii) Performs intraoral tasks only under the direct supervision of a  
2 licensed dentist who personally is present in the office area where the tasks are performed.

3           **(c) THE BOARD MAY NOT REQUIRE A PERSON TO BE LICENSED BY THE**  
4 **BOARD TO ENGAGE IN ANY OF THE FOLLOWING ACTIVITIES IN THE STATE:**

5                   **(1) OWNING REAL PROPERTY OR FURNISHINGS, EQUIPMENT, OR**  
6 **OTHER GOODS THAT ARE USED BY A DENTIST OR A DENTAL PRACTICE;**

7                   **(2) LEASING TO A DENTIST OR A DENTAL PRACTICE REAL PROPERTY**  
8 **OR FURNISHINGS, EQUIPMENT, OR OTHER GOODS THAT ARE USED BY THE DENTIST**  
9 **OR DENTAL PRACTICE;**

10                   **(3) MANAGING OR CONDUCTING ADMINISTRATIVE OR OTHER**  
11 **RELATED FUNCTIONS OF A DENTAL PRACTICE;**

12                   **(4) PROVIDING GOODS AND SERVICES TO A DENTIST OR A DENTAL**  
13 **PRACTICE IN EXCHANGE FOR A PERCENTAGE OR SHARE OF REVENUE OR PROFITS**  
14 **OF THE DENTIST OR DENTAL PRACTICE; OR**

15                   **(5) EMPLOYING OR CONTRACTING WITH A DENTIST OR A DENTAL**  
16 **PRACTICE TO PROVIDE INDIVIDUALS TO PERFORM ADMINISTRATIVE AND OTHER**  
17 **RELATED SERVICES TO A DENTIST OR A DENTAL PRACTICE.**

18           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
19 1, 2015.