

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE

House Bill 766 (Delegate Kipke)  
Health and Government Operations

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State Board of Dental Examiners - Authority - Exemptions

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This bill exempts specified persons and entities from the authority of the State Board of Dental Examiners.

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Fiscal Summary

**State Effect:** The bill does not directly affect State operations or finances.

**Local Effect:** The bill does not directly affect local government operations or finances.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The bill exempts the following entities from the authority of the State Board of Dental Examiners: (1) a clinic maintained by a federal or local government agency or institution; (2) a clinic maintained by a dental hygiene program, that is approved by the Commission on Dental Accreditation, for an institution of higher education; (3) a clinic maintained by a charitable organization as defined in the Business Regulation Article; (4) a State or local government agency; or (5) a nonprofit organization that provides dental services and is *either* a health care center or program that offers dental services to individuals for free or on a sliding scale fee schedule and without regard to an individual's ability to pay *or* a federally qualified health center or a federally qualified health center look-alike.

However, board dentists, dental hygienists, dental assistants, dental technicians, or other dental auxiliaries employed by a State or local government agency or a nonprofit organization continue to be subject to the authority of the board.

**Current Law/Background:** Under the Health Occupations Article, a dental clinic is exempt from the authority of the board if it is maintained by a public school, a State institution, a charitable institution, or a business corporation for its pupils, inmates, or employees, if the school or institution or corporation does not advertise concerning dentistry. However, dentists, dental hygienists, dental assistants, dental technicians, and other dental auxiliaries employed by the clinic are subject to the authority of the board.

The board is mandated to protect the public by regulating the practice of dentistry and dental hygiene in Maryland. Among the enumerated duties, the board issues licenses, adopts standards of practice for dentistry, investigates complaints based on alleged violations of regulations and statutes, and disciplines licensees. The board advises that there are 5,191 dentists and 3,537 dental hygienists in the State.

In 2014, the board proposed regulations that would have required a licensed dentist to “own, manage, conduct, operate, or be the proprietor of a dental practice, regardless of how small the ownership interest.” The regulations were ultimately not adopted. Certain organizations representing federally qualified health centers, school-based health centers, and other nonprofit organizations that provide oral health services expressed concern that the regulations could have prohibited them from providing dental services, thereby eliminating many of the dental practices that focus on providing services to underserved individuals. The organizations suggested clarifying current statute to allow these public and private nonprofit organizations to continue to provide dental services, without ownership by dentists, as long as clinical decisions are made by licensed dentists.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 421 (Senator Nathan-Pulliam) - Education, Health, and Environmental Affairs.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Juvenile Services, Department of Public Safety and Correctional Services, University System of Maryland, University of Maryland Medical System, Department of Legislative Services

**Fiscal Note History:** First Reader - March 4, 2015  
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