

Chapter 528

(Senate Bill 42)

AN ACT concerning

**State Board of Dental Examiners – Appointment of Dentist and Dental Hygienist Members – Advice and Consent of the Senate**

FOR the purpose of requiring the dentist and dental hygienist members of the State Board of Dental Examiners to be appointed with the advice and consent of the Senate, ~~subject to a certain condition; requiring a certain balloting process to be verified by the Department of Health and Mental Hygiene;~~ and generally relating to the appointment of the dentist and dental hygienist members of the State Board of Dental Examiners.

BY repealing and reenacting, without amendments,  
Article – Health Occupations  
Section 4–201 and 4–202(b)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 4–202(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

**Article – Health Occupations**

4–201.

There is a State Board of Dental Examiners in the Department.

4–202.

- (a) (1) The Board consists of 16 members.
- (2) Of the 16 Board members:
  - (i) 9 shall be licensed dentists;
  - (ii) 4 shall be licensed dental hygienists; and

(iii) 3 shall be consumer members.

(3) (i) Subject to subsection (b)(1) of this section, the Governor shall appoint the dentist Board members, with the advice of the Secretary **AND THE ADVICE AND CONSENT OF THE SENATE**, from a list of names submitted to the Governor by the Board ~~THAT REFLECTS THE RESULTS OF THE BALLOTING PROCESS CONDUCTED UNDER SUBSECTION (B)(1)(II) OF THIS SECTION.~~

(ii) The number of names on the list for one vacancy shall be at least four names, for two vacancies at least three names for each vacancy, and for three or more vacancies at least two names for each vacancy.

(4) (i) Subject to subsection (b)(2) of this section, the Governor shall appoint the dental hygienist Board members, with the advice of the Secretary **AND THE ADVICE AND CONSENT OF THE SENATE**, from a list of names submitted to the Governor by the Board ~~THAT REFLECTS THE RESULTS OF THE BALLOTING PROCESS CONDUCTED UNDER SUBSECTION (B)(2)(II) OF THIS SECTION.~~

(ii) The number of names on the list shall be four times the number of vacancies.

(5) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.

(6) To the extent practicable, the members appointed to the Board shall reasonably reflect the geographic, racial, ethnic, cultural, and gender diversity of the State.

(b) (1) For each licensed dentist vacancy, the Board shall:

(i) Send by electronic mail or regular mail a solicitation for nominations to fill the vacancy to:

1. Each dentist licensed by the Board; and
2. Each State dental organization affiliated with a national organization; and

(ii) Conduct a balloting process by which each dentist licensed by the State is eligible to vote to select the names of the licensed dentists to be submitted to the Governor.

(2) For each licensed dental hygienist vacancy, the Board shall:

(i) Send by electronic mail or regular mail a solicitation for nominations to fill the vacancy to:

1. Each dental hygienist licensed by the Board; and
2. Each State dental hygienist organization affiliated with a national organization; and

(ii) Conduct a balloting process by which each dental hygienist licensed by the State is eligible to vote to select the names of the licensed dental hygienists to be submitted to the Governor.

(3) The Board shall develop guidelines for the solicitation of nominations and balloting process that to the extent possible will result in the overall composition of the Board reasonably reflecting the geographic, racial, ethnic, and gender diversity of the State.

~~(4) THE BALLOTING PROCESS CONDUCTED UNDER THIS SUBSECTION SHALL BE VERIFIED BY THE DEPARTMENT.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**