

SENATE BILL 994

J2

9lr3161
CF HB 807

By: **Senators Ellis and Benson**

Introduced and read first time: February 20, 2019

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Dental Examiners – Appointment of Members**

3 FOR the purpose of repealing a certain balloting and nomination process to select the
4 names of certain candidates to submit to the Governor to be members of the State
5 Board of Dental Examiners; requiring the Board, within a certain period of time, to
6 notify certain practicing licensees and professional organizations of a vacancy on the
7 Board, provide certain information, solicit certain nominations for the vacancy, and
8 forward certain nominations and petitions to the Governor; authorizing the Governor
9 to fill a vacancy on the Board in a certain manner; making conforming changes; and
10 generally relating to the appointment of members of the State Board of Dental
11 Examiners.

12 BY repealing and reenacting, with amendments,
13 Article – Health Occupations
14 Section 4–202(a) and (b)
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2018 Supplement)

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 4–202.

21 (a) (1) The Board consists of 16 members.

22 (2) Of the 16 Board members:

23 (i) 9 shall be licensed dentists;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) 4 shall be licensed dental hygienists; and

2 (iii) 3 shall be consumer members.

3 (3) [(i) Subject to subsection (b)(1) of this section, the] **THE** Governor
4 shall appoint [the dentist] **ALL MEMBERS OF THE** Board [members,] with the advice of
5 the Secretary and the advice and consent of the Senate[, from a list of names submitted to
6 the Governor by the Board].

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

10 (4) (i) Subject to subsection (b)(2) of this section, the Governor shall
11 appoint the dental hygienist Board members, with the advice of the Secretary and the
12 advice and consent of the Senate, from a list of names submitted to the Governor by the
13 Board.

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

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

18 (6) (4) To the extent practicable, the members appointed to the Board
19 shall reasonably reflect the geographic, racial, ethnic, cultural, and gender diversity of the
20 State.

21 (b) (1) For each [licensed dentist] vacancy **OF A BOARD MEMBER**
22 **APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION**, the Board
23 shall:

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

26 1. Each dentist licensed by the Board; and

27 2. Each State dental organization affiliated with a national
28 organization; and

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

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

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

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

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

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

13 (I) NOTIFY ALL PRACTICING LICENSEES AND PROFESSIONAL
14 ORGANIZATIONS THAT REQUEST IN WRITING NOTIFICATION OF VACANCIES;

15 (II) PROVIDE INFORMATION REGARDING THE APPOINTMENT
16 PROCESS DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION;

17 (III) SOLICIT NOMINATIONS FOR THE VACANCY; AND

18 (IV) FORWARD TO THE GOVERNOR:

19 1. NOMINATIONS SUBMITTED BY PROFESSIONAL
20 ORGANIZATIONS; AND

21 2. PETITIONS SUBMITTED BY PRACTICING LICENSEES
22 OR CONSUMER MEMBERS.

23 (2) THE BOARD SHALL MEET THE REQUIREMENTS OF PARAGRAPH (1)
24 OF THIS SUBSECTION WITHIN:

25 (I) 4 MONTHS BEFORE AN UPCOMING VACANCY ON THE BOARD
26 THAT IS KNOWN IN ADVANCE TO BE OCCURRING; OR

27 (II) 2 MONTHS AFTER A VACANCY EXISTS ON THE BOARD THAT
28 WAS NOT KNOWN IN ADVANCE.

29 (3) FOR EACH VACANCY OF A BOARD MEMBER APPOINTED IN
30 ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, THE GOVERNOR MAY:

1 **(I) REAPPOINT A MEMBER WHO HAS NOT SERVED FOR MORE**
2 **THAN 2 CONSECUTIVE FULL TERMS;**

3 **(II) APPOINT A MEMBER IN ACCORDANCE WITH SUBSECTION (A)**
4 **OF THIS SECTION FROM NOMINATIONS AND PETITIONS SUBMITTED BY THE BOARD**
5 **AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION; OR**

6 **(III) IF THE BOARD HAS NOT SUBMITTED ANY NOMINATIONS OR**
7 **PETITIONS AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, APPOINT A**
8 **NEW MEMBER AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2019.