

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 994  
Rules

(Senators Ellis and Benson)

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State Board of Dental Examiners - Appointment of Members

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This bill alters the appointment process for members of the State Board of Dental Examiners. The bill (1) changes how licensees and dental organizations are notified of board vacancies; (2) repeals the current balloting process for nominating board members and instead establishes a new process for nominating board members; and (3) repeals the requirement that the Governor appoint a board member from a list of names provided by the board and instead establishes three specified alternatives the Governor may use when appointing members to the board.

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Fiscal Summary

**State Effect:** Minimal decrease in board special fund expenditures, as discussed below. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Bill Summary:**

*Identification and Nomination*

For each vacancy of a board member, within four months prior to a known upcoming vacancy or within two months after a vacancy not known in advance, the board must (1) notify all practicing licensees and professional organizations that request in writing

notification of vacancies; (2) provide information regarding the appointment process; (3) solicit nominations for the vacancy; and (4) forward nominations submitted by professional organizations and petitions submitted by practicing licensees or consumer members to the Governor.

#### *Appointments by the Governor*

The Governor must appoint all members of the board with the advice of the Secretary of Health and the advice and consent of the Senate. For each vacancy, the Governor may (1) reappoint a member who has not served more than two consecutive full terms; (2) appoint a member from the nominations and petitions submitted by the board; or (3) if the board has failed to submit any nominations or petitions, appoint a new member with the advice of the Secretary of Health and the advice and consent of the Senate.

**Current Law:** The 16-member State Board of Dental Examiners consists of 9 licensed dentists, 4 licensed dental hygienists, and 3 consumers.

#### *Identification and Nomination*

For each licensed dentist vacancy and dental hygienist vacancy, the board must (1) send by electronic or regular mail a solicitation for nominations to fill the vacancy to each licensed dentist or dental hygienist and each State dental or dental hygienist organization affiliated with a national organization and (2) conduct a balloting process by which each dentist or dental hygienist licensed by the State is eligible to vote to select the names of licensed dentists or dental hygienists to be submitted to the Governor.

#### *Appointments by the Governor*

The Governor must appoint the dentist, dental hygienist, and consumer members of the board with the advice of the Secretary of Health and the advice and consent of the Senate. To the extent practicable, the members appointed to the board must reasonably reflect the geographic, racial, ethnic, cultural, and gender diversity of the State.

For the dentist members, the Governor must additionally choose from a list submitted by the board that includes a minimum number of names for each vacancy: one vacancy, at least four names; two vacancies, at least three names per vacancy; and three or more vacancies, at least two names per vacancy.

The Governor must also choose from a similar list submitted by the board for dental hygienist members. The number of names the board includes on the list must be at least four times the number of vacancies.

**Background:** The State Board of Dental Examiners 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. According to the Maryland Department of Health, for fiscal 2018, there were about 4,114 licensed dentists and 2,319 licensed dental hygienists.

**State Expenditures:** Board special fund expenditures decrease minimally, beginning as early as fiscal 2020, and on an ongoing basis. The board advises that it currently pays approximately \$3,479 per board member election for a third-party election administrator to count the votes for dentists and dental hygienists. As the bill removes the balloting process, the board will no longer need to pay a third-party election administrator.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 807 (Delegate Saab, *et al.*) - Health and Government Operations.

**Information Source(s):** Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2019  
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