

SENATE BILL 808

J2, J1

11r2509

By: **Senator West**

Introduced and read first time: February 9, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Licensed Dentists – Administration of Vaccines**

3 FOR the purpose of authorizing a licensed dentist to administer certain vaccines to certain
4 individuals under certain circumstances; authorizing the State Board of Dental
5 Examiners to adopt certain regulations regarding the administration of vaccines;
6 requiring a licensed dentist who administers a vaccine to administer the vaccine
7 under a certain protocol and report the vaccination to the ImmuNet Program;
8 requiring a licensed dentist who administers a vaccine in accordance with a
9 prescription to make certain attempts to communicate certain information to the
10 authorized prescriber; requiring a licensed dentist who administers a certain vaccine
11 to make certain attempts to communicate certain information to the patient's
12 primary care provider in certain circumstances; requiring a licensed dentist to obtain
13 certain information and consent from a patient or patient's representative before
14 administering a vaccine; requiring a licensed dentist who administers a vaccine to
15 enter certain information in the patient's chart and provide the patient or the
16 patient's representative with an immunization card and a certain document
17 following the administration of a vaccine except under certain circumstances;
18 requiring a licensed dentist who administers a vaccine to record certain information
19 in the patient's chart in certain circumstances; requiring a licensed dentist to
20 complete a certain course, file a certain certificate, and receive a certain
21 acknowledgment before administering certain vaccines; providing that a certain
22 course may be completed in a certain undergraduate program under certain
23 circumstances; establishing certain continuing education requirements for licensed
24 dentists who administer certain vaccines; authorizing a licensed dentist to
25 administer certain vaccines in the event that a certain individual declares a certain
26 emergency; suspending certain requirements of this Act for the duration of a certain
27 emergency; altering a certain definition; and generally relating to licensed dentists
28 and the administration of vaccines.

29 BY repealing and reenacting, without amendments,
30 Article – Health Occupations

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 4–101(a)
2 Annotated Code of Maryland
3 (2014 Replacement Volume and 2020 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Health Occupations
6 Section 4–101(l) and 4–205(a)(1)(xii) and (xiii)
7 Annotated Code of Maryland
8 (2014 Replacement Volume and 2020 Supplement)

9 BY adding to
10 Article – Health Occupations
11 Section 4–205(a)(1)(xii) and 4–206.5
12 Annotated Code of Maryland
13 (2014 Replacement Volume and 2020 Supplement)

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

16 **Article – Health Occupations**

17 4–101.

18 (a) In this title the following words have the meanings indicated.

19 (l) (1) “Practice dentistry” means to:

20 (i) Perform or attempt to perform any intraoral dental service or
21 intraoral dental operation;

22 (ii) Diagnose, treat, or attempt to diagnose or treat any disease,
23 injury, malocclusion, or malposition of a tooth, gum, or jaw, or structures associated with a
24 tooth, gum, or jaw if the service, operation, or procedure is included in the curricula of an
25 accredited dental school or in an approved dental residency program of an accredited
26 hospital or teaching institution;

27 (iii) Perform or offer to perform dental laboratory work;

28 (iv) Place or adjust a dental appliance in a human mouth; [or]

29 (v) Administer anesthesia for the purposes of dentistry and not as a
30 medical specialty; **OR**

31 **(VI) ADMINISTER A VACCINE IN ACCORDANCE WITH § 4–206.5 OF**
32 **THIS TITLE.**

1 (2) "Practice dentistry" includes:

2 (i) Patient evaluation, diagnosis, and determination of treatment
3 plans;

4 (ii) Determination of treatment options, including the choice of
5 restorative and treatment materials and diagnostic equipment; and

6 (iii) Determination and establishment of dental patient protocols,
7 dental standards of care, and dental practice guidelines.

8 4-205.

9 (a) In addition to the powers set forth elsewhere in this title, the Board may:

10 (1) Adopt regulations governing:

11 (XII) THE ADMINISTRATION OF VACCINES BY A LICENSED
12 DENTIST AS PROVIDED FOR UNDER § 4-206.5 OF THIS TITLE;

13 [(xii)] (XIII) The discipline of a holder of any facility or administration
14 permit for the administration of general anesthesia or sedation; and

15 [(xiii)] (XIV) The release of patient dental records;

16 4-206.5.

17 (A) (1) A LICENSED DENTIST MAY ADMINISTER AN INFLUENZA VACCINE
18 TO A PATIENT OF RECORD WHO IS AT LEAST 9 YEARS OLD, IN ACCORDANCE WITH
19 REGULATIONS ADOPTED BY THE BOARD, IN CONSULTATION WITH THE
20 DEPARTMENT.

21 (2) A LICENSED DENTIST MAY ADMINISTER A VACCINE THAT IS
22 LISTED IN THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S
23 RECOMMENDED IMMUNIZATION SCHEDULE TO AN INDIVIDUAL WHO:

24 (I) IS AT LEAST 11 YEARS OLD BUT UNDER THE AGE OF 18
25 YEARS; AND

26 (II) HAS A PRESCRIPTION FROM AN AUTHORIZED PROVIDER.

27 (3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A
28 LICENSED DENTIST MAY ADMINISTER TO AN ADULT A VACCINE THAT IS:

1 1. LISTED IN THE CENTERS FOR DISEASE CONTROL
2 AND PREVENTION'S RECOMMENDED IMMUNIZATION SCHEDULE; OR

3 2. RECOMMENDED IN THE CENTERS FOR DISEASE
4 CONTROL AND PREVENTION'S HEALTH INFORMATION FOR INTERNATIONAL
5 TRAVEL.

6 (II) A LICENSED DENTIST SHALL ADMINISTER A VACCINE
7 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH UNDER A WRITTEN PROTOCOL
8 THAT:

9 1. IS VACCINE-SPECIFIC; AND

10 2. MEETS CRITERIA ESTABLISHED BY THE
11 DEPARTMENT, IN CONSULTATION WITH THE BOARD, THE STATE BOARD OF
12 PHYSICIANS, AND THE STATE BOARD OF NURSING, IN REGULATION.

13 (4) A LICENSED DENTIST SHALL:

14 (I) REPORT ALL VACCINES ADMINISTERED BY THE LICENSED
15 DENTIST TO THE IMMUNET PROGRAM ESTABLISHED UNDER § 18-109 OF THE
16 HEALTH - GENERAL ARTICLE;

17 (II) IF A VACCINE HAS BEEN ADMINISTERED IN ACCORDANCE
18 WITH A PRESCRIPTION, DOCUMENT AT LEAST ONE EFFORT TO INFORM THE
19 INDIVIDUAL'S AUTHORIZED PRESCRIBER THAT THE VACCINE HAS BEEN
20 ADMINISTERED; AND

21 (III) FOR A VACCINE ADMINISTERED UNDER PARAGRAPH (2) OR
22 (3) OF THIS SUBSECTION, IF THE AUTHORIZED PRESCRIBER IS NOT THE
23 INDIVIDUAL'S PRIMARY CARE PROVIDER OR IF THE VACCINE HAS NOT BEEN
24 ADMINISTERED IN ACCORDANCE WITH A PRESCRIPTION, DOCUMENT AT LEAST ONE
25 EFFORT TO INFORM THE INDIVIDUAL'S PRIMARY CARE PROVIDER OR OTHER USUAL
26 SOURCE OF CARE THAT THE VACCINE HAS BEEN ADMINISTERED.

27 (B) BEFORE ADMINISTERING A VACCINE, A DENTIST SHALL OBTAIN THE
28 FOLLOWING FROM THE PATIENT OR THE PATIENT'S REPRESENTATIVE:

29 (1) A SIGNED MEDICAL HISTORY THAT INCLUDES PAST
30 VACCINATIONS, DRUG INTERACTIONS, KNOWN ALLERGIES, AND KNOWN
31 COMPLICATIONS; AND

1 **(2) A SIGNED CONSENT FORM THAT CLEARLY OUTLINES THE**
2 **BENEFITS AND RISKS OF THE PARTICULAR VACCINE.**

3 **(C) EXCEPT IN SITUATIONS WHERE A LIFE-THREATENING EMERGENCY IS**
4 **PRESENT, IMMEDIATELY FOLLOWING THE ADMINISTRATION OF A VACCINE, A**
5 **LICENSED DENTIST SHALL:**

6 **(1) ENTER THE VACCINE, DOSAGE AMOUNT, AND DATE IN THE**
7 **PATIENT'S CHART; AND**

8 **(2) PROVIDE THE PATIENT OR PATIENT'S REPRESENTATIVE WITH AN**
9 **IMMUNIZATION CARD AND A SEPARATE DOCUMENT THAT INCLUDES:**

10 **(I) THE NAME OF THE LICENSED DENTIST AND THE ADDRESS**
11 **OF THE LICENSED DENTIST'S OFFICE;**

12 **(II) THE FULL NAME OF THE PATIENT;**

13 **(III) THE CHEMICAL NAME OF THE ADMINISTERED VACCINE AS**
14 **IT APPEARS ON THE SHIPPING LABEL;**

15 **(IV) THE GENERIC NAME OF THE VACCINE;**

16 **(V) THE DOSAGE OF THE VACCINE ADMINISTERED;**

17 **(VI) THE DATE THAT THE VACCINE WAS ADMINISTERED;**

18 **(VII) NORMAL POSTVACCINATION REACTIONS;**

19 **(VIII) POSTVACCINATION INSTRUCTIONS, IF APPLICABLE;**

20 **(IX) A LIST OF THE POSSIBLE SIDE EFFECTS OF THE VACCINE;**

21 **(X) INSTRUCTIONS FOR ADDRESSING POSSIBLE SIDE EFFECTS;**

22 **(XI) THE PATIENT'S KNOWN ALLERGIES;**

23 **(XII) THE DENTIST'S AFTER-HOURS PERSONAL CONTACT**
24 **INFORMATION IN THE EVENT OF AN EMERGENCY REACTION; AND**

25 **(XIII) THE NAME OF THE URGENT CARE CENTER AND HOSPITAL**
26 **CLOSEST TO THE SITE AT WHICH THE VACCINE WAS ADMINISTERED.**

1 **(D) (1) BEFORE A LICENSED DENTIST MAY ADMINISTER A VACCINE**
2 **UNDER SUBSECTION (A) OF THIS SECTION, A LICENSED DENTIST MUST:**

3 **(I) SUCCESSFULLY COMPLETE A BOARD-APPROVED COURSE**
4 **THAT INCLUDES INSTRUCTION IN THE GUIDELINES AND RECOMMENDATIONS OF**
5 **THE CENTERS FOR DISEASE CONTROL AND PREVENTION REGARDING VACCINES;**

6 **(II) FILE THE COURSE CERTIFICATE OF COMPLETION WITH THE**
7 **BOARD; AND**

8 **(III) RECEIVE AN ACKNOWLEDGMENT OF COURSE COMPLETION**
9 **FROM THE BOARD.**

10 **(2) THE BOARD-APPROVED COURSE REQUIRED UNDER PARAGRAPH**
11 **(1) OF THIS SUBSECTION MAY, AT THE DISCRETION OF THE BOARD, BE COMPLETED**
12 **IN AN UNDERGRADUATE PROGRAM AT A BOARD-APPROVED SCHOOL OF DENTISTRY**
13 **IF THE CURRICULUM INCLUDES INSTRUCTION IN THE GUIDELINES AND**
14 **RECOMMENDATIONS OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION**
15 **REGARDING VACCINES.**

16 **(3) IN ORDER TO REMAIN ELIGIBLE TO ADMINISTER VACCINES AFTER**
17 **COMPLETING THE REQUIREMENTS IN PARAGRAPH (1) OF THIS SUBSECTION, A**
18 **LICENSED DENTIST SHALL:**

19 **(I) COMPLETE A BOARD-APPROVED CONTINUING EDUCATION**
20 **CLASS OF AT LEAST 2 HOURS EVERY OTHER RENEWAL CYCLE THAT ADDRESSES:**

21 **1. THE PROPER PRESCRIBING AND DISPOSAL OF**
22 **PRESCRIPTION DRUGS; AND**

23 **2. ADVERSE INTERACTIONS AND ACTIONS OF VACCINES;**
24 **AND**

25 **(II) MAINTAIN CARDIOPULMONARY RESUSCITATION**
26 **CERTIFICATION AS REQUIRED BY THE BOARD.**

27 **(E) (1) IN THE EVENT THAT THE PRESIDENT OF THE UNITED STATES OR**
28 **THE GOVERNOR DECLARES A HEALTH-RELATED EMERGENCY RELATED TO AN**
29 **ILLNESS FOR WHICH THE CENTERS FOR DISEASE CONTROL AND PREVENTION HAS**
30 **APPROVED A VACCINE, A LICENSED DENTIST MAY ADMINISTER ANY VACCINE THAT**
31 **HAS BEEN APPROVED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION**
32 **TO PREVENT THE ILLNESS FOR WHICH THE EMERGENCY WAS DECLARED.**

1 **(2) FOR THE DURATION OF THE EMERGENCY, THE EDUCATIONAL**
2 **REQUIREMENTS LISTED IN SUBSECTION (D) OF THIS SECTION ARE SUSPENDED.**

3 **(F) THE BOARD MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2021.