

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 808
(Senator West)
Education, Health, and Environmental Affairs

Health Occupations – Licensed Dentists – Administration of Vaccines

This bill expands the practice of dentistry to include administration of a vaccine, as specified. Before a licensed dentist may administer a vaccine, the dentist must complete a specified board-approved course. To remain eligible to administer a vaccine, a licensed dentist must complete specified continuing education. The State Board of Dental Examiners may adopt regulations governing the administration of vaccines by licensed dentists.

Fiscal Summary

State Effect: The board can adopt regulations using existing budgeted resources. Revenues are not affected.

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

Small Business Effect: Meaningful.

Analysis

Bill Summary: A licensed dentist may administer an influenza vaccine to a patient who is at least nine years old in accordance with regulations adopted by the board in consultation with the Maryland Department of Health (MDH).

For individuals 11 to 17 years old, a licensed dentist may administer a vaccination listed in the U.S. Centers for Disease Control and Prevention's (CDC) recommended immunization schedule if the individual has a prescription from an authorized provider.

For adults, a licensed dentist may administer a vaccination listed in CDC's recommended immunization schedule or *Health Information for International Travel* if the vaccination is administered under a written protocol that (1) is vaccine specific and (2) meets criteria established in regulation by MDH, in consultation with the boards of dental examiners, physicians, and nursing. A prescription is not required to administer these vaccinations to an individual age 18 or older.

A licensed dentist must report all vaccines administered to the ImmuNet Program and document at least one effort to inform the individual's authorized prescriber or primary care provider that a vaccination (other than an influenza vaccination) has been administered.

Before administering a vaccine, a dentist must obtain a signed medical history and consent form. Immediately following administration of a vaccine (except where a life-threatening emergency is present), a licensed dentist must enter the vaccine, dosage amount, and date in the patient's chart, and provide the patient with an immunization card and a separate document with specified information.

If the President of the United States or the Governor declares a health-related emergency related to an illness for which CDC has an approved vaccine, a licensed dentist may administer any vaccine approved by CDC to prevent the illness. During the duration of the emergency, specified educational and continuing education requirements related to vaccine administration are suspended.

Current Law: Under the Health Occupations Article, an individual must obtain a license from the State Board of Dental Examiners in order to practice dentistry, with specified exceptions. "Practice dentistry" means to (1) perform or attempt to perform any intraoral dental service or intraoral dental operation; (2) diagnose, treat, or attempt to diagnose or treat any disease, injury, malocclusion, or malposition of a tooth, gum, or jaw, or structures associated with a tooth, gum, or jaw if the service, operation, or procedure is included in the curricula of an accredited dental school or in an approved dental residency program of an accredited hospital or teaching institution; (3) perform or offer to perform dental laboratory work; (4) place or adjust a dental appliance in a human mouth; or (5) administer anesthesia for the purposes of dentistry and not as a medical specialty.

Per Chapters 559 and 560 of 2011, licensed pharmacists may administer an influenza vaccination to an individual who is at least nine years old, provided the vaccination is administered in accordance with regulations adopted by the State Board of Pharmacy in consultation with MDH. Chapters 255 and 256 of 2013 expanded the authority of pharmacists to administer vaccinations. For individuals 11 to 17 years old, a pharmacist may administer a vaccination listed in the CDC recommended immunization schedule if the individual has a prescription from an authorized prescriber. For adults, a pharmacist

may administer a vaccination listed in CDC's recommended immunization schedule or *Health Information for International Travel* if the vaccination is administered under a written protocol that (1) is vaccine specific and (2) meets criteria established in regulation by MDH, in consultation with the boards of pharmacy, physicians, and nursing. A prescription is not required to administer these vaccinations to an individual age 18 or older. Generally, a pharmacist must document at least one effort to inform the individual's authorized prescriber or primary care provider that a vaccination (other than an influenza vaccination) has been administered.

Under MDH Order [2020-12-08-01](#), any health care practitioner licensed, certified, or registered under the Health Occupations Article whose scope of practice does not include administration of vaccines may administer COVID-19 vaccines at vaccination sites if the health care practitioner has successfully completed training on the administration of the vaccines and qualified supervisory personnel at the vaccination site determine the health care practitioner can administer the vaccines under supervision.

Chapter 412 of 2001 established ImmuNet, Maryland's immunization registry. ImmuNet is a computerized information and reminder system used to improve the timely and appropriate delivery of immunizations; provide a coordinated network for reminder notices when immunizations are due; provide and collect information to be shared by authorized users; and provide a quality indicator for insurers, health care providers, and public health purposes. ImmuNet is a web-based database that is free to all Maryland vaccination providers and is an "opt-out" system; therefore, all immunization information can be entered unless a parent completes a data-sharing "refusal to permit" form to make his or her child's record inaccessible. Chapter 502 of 2019 requires health care providers (or their agents) to report to ImmuNet all vaccines administered. The requirement does not apply to a health care provider who administers a vaccine in a nursing facility, assisted living program, continuing care retirement community, or medical day care program.

Small Business Effect: Small business dental practices benefit from additional reimbursement for administration of vaccinations. Conversely, other health care providers that currently administer vaccinations may administer fewer vaccinations under the bill.

Additional Comments: In December 2020, the U.S. Food and Drug Administration (FDA) approved two COVID-19 vaccines for emergency use. On February 27, 2021, FDA issued emergency use authorization for a third vaccine. Maryland began distribution of the vaccines in January 2021.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Department of Legislative Services

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