

Chapter 377

(House Bill 290)

AN ACT concerning

Public Health – Dental Services – Access

FOR the purpose of ~~requiring parents and guardians of children enrolled in the Maryland Public School System each county board of education, a family child care home, a large child care home, or and a child care center to provide to the system or facility certain evidence that the child has received a dental screening notice to the parent or guardian of a child enrolled in the system or facility of the need for the child to receive a dental screening within certain time periods;~~ altering the Maryland Dent-Care Program; ~~establishing prohibitions and requirements~~ a requirement regarding the ~~eligibility for dental services and the~~ reimbursement of dental-related services under the Maryland Medical Assistance Program; establishing requirements on the Maryland Department of Health regarding the creation and distribution of plain language materials related to dental services; requiring the State Board of Dental Examiners to publish a searchable list of licensed providers who provide mobile dental services or portable dental services in the State; and generally relating to access to dental services.

~~BY adding to~~~~Article – Education~~~~Section 7-405, 9-5-310.1, and 9-5-413.1~~~~Annotated Code of Maryland~~~~(2022 Replacement Volume)~~

BY repealing and reenacting, with amendments,

Article – Education

Section 18-2401 through 18-2406

Annotated Code of Maryland

(2022 Replacement Volume)

~~BY repealing and reenacting, with amendments,~~~~Article – Health – General~~~~Section 15-103(a)~~~~Annotated Code of Maryland~~~~(2019 Replacement Volume and 2022 Supplement)~~

BY adding to

Article – Health – General

Section 15-151 ~~and 15-152~~; and 20-2301 to be under the new subtitle “Subtitle 23.
Plain Language Dental Information”

Annotated Code of Maryland

(2019 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,
 Article – Health Occupations
 Section 4–101(a) and (b)
 Annotated Code of Maryland
 (2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
 Article – Health Occupations
 Section 4–205(c)
 Annotated Code of Maryland
 (2021 Replacement Volume and 2022 Supplement)

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

Article – Education

~~7–405.~~

~~(A) THE PARENT OR GUARDIAN OF A CHILD ENROLLED IN THE MARYLAND PUBLIC SCHOOL SYSTEM SHALL PROVIDE TO THE CHILD’S SCHOOL EVIDENCE THAT THE CHILD RECEIVED A DENTAL SCREENING FROM A LICENSED DENTIST EACH COUNTY BOARD SHALL PROVIDE:~~

~~(1) NOTICE TO THE PARENT OR GUARDIAN OF AN ENROLLED CHILD OF THE CLINICAL NEED FOR THE CHILD TO RECEIVE A DENTAL SCREENING WITHIN 6 MONTHS BEFORE THE CHILD’S:~~

~~(1) (i) SIXTH BIRTHDAY;~~

~~(2) (ii) NINTH BIRTHDAY; AND~~

~~(3) (iii) TWELFTH BIRTHDAY; AND~~

~~(2) THE NOTICE REQUIRED UNDER ITEM (1) OF THIS SECTION WITHIN 6 MONTHS BEFORE EACH BIRTHDAY LISTED IN ITEM (1) OF THIS SECTION.~~

~~(B) THE EVIDENCE OF DENTAL SCREENING PROVIDED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE PROVIDED TO THE CHILD’S SCHOOL WITHIN 30 DAYS AFTER THE CHILD’S BIRTHDAY.~~

~~9.5–310.1.~~

~~(A) THE PARENT OR GUARDIAN OF A CHILD IN A FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME SHALL PROVIDE TO THE FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME EVIDENCE THAT THE CHILD HAS RECEIVED A DENTAL SCREENING FROM A LICENSED DENTIST EACH FAMILY CHILD CARE HOME AND LARGE FAMILY CHILD CARE HOME SHALL PROVIDE:~~

~~(1) NOTICE TO THE PARENT OR GUARDIAN OF AN ENROLLED CHILD OF THE CLINICAL NEED FOR THE CHILD TO RECEIVE A DENTAL SCREENING WITHIN 6 MONTHS:~~

- ~~(1) (i) AFTER THE CHILD'S FIRST BIRTHDAY;~~
- ~~(2) (ii) BEFORE THE CHILD'S THIRD BIRTHDAY; AND~~
- ~~(3) (iii) BEFORE THE CHILD'S SIXTH BIRTHDAY; AND~~

~~(2) THE NOTICE REQUIRED UNDER ITEM (1) OF THIS SECTION WITHIN 6 MONTHS BEFORE EACH BIRTHDAY LISTED IN ITEM (1) OF THIS SECTION.~~

~~(B) (1) THE EVIDENCE OF DENTAL SCREENING PROVIDED UNDER SUBSECTION (A)(1) OF THIS SECTION SHALL BE PROVIDED TO THE FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME WITHIN 30 DAYS AFTER THE CHILD REACHES THE AGE OF 18 MONTHS.~~

~~(2) THE EVIDENCE OF DENTAL SCREENING PROVIDED UNDER SUBSECTION (A)(2) OR (3) OF THIS SECTION SHALL BE PROVIDED TO THE FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME WITHIN 30 DAYS AFTER THE CHILD'S BIRTHDAY.~~

~~9.5-413.1.~~

~~(A) THE PARENT OR GUARDIAN OF A CHILD IN A CHILD CARE CENTER SHALL PROVIDE TO THE CHILD CARE CENTER EVIDENCE THAT THE CHILD HAS RECEIVED A DENTAL SCREENING FROM A LICENSED DENTIST EACH CHILD CARE CENTER SHALL PROVIDE:~~

~~(1) NOTICE TO THE PARENT OR GUARDIAN OF AN ENROLLED CHILD OF THE CLINICAL NEED FOR THE CHILD TO RECEIVE A DENTAL SCREENING WITHIN 6 MONTHS:~~

- ~~(1) (i) AFTER THE CHILD'S FIRST BIRTHDAY;~~
- ~~(2) (ii) BEFORE THE CHILD'S THIRD BIRTHDAY; AND~~

~~(3) (iii) BEFORE THE CHILD'S SIXTH BIRTHDAY; AND~~

~~(2) THE NOTICE REQUIRED UNDER ITEM (1) OF THIS SECTION WITHIN 6 MONTHS BEFORE EACH BIRTHDAY LISTED IN ITEM (1) OF THIS SECTION.~~

~~(B) (1) THE EVIDENCE OF DENTAL SCREENING PROVIDED UNDER SUBSECTION (A)(1) OF THIS SECTION SHALL BE PROVIDED TO THE CHILD CARE CENTER WITHIN 30 DAYS AFTER THE CHILD REACHES THE AGE OF 18 MONTHS.~~

~~(2) THE EVIDENCE OF DENTAL SCREENING PROVIDED UNDER SUBSECTION (A)(2) OR (3) OF THIS SECTION SHALL BE PROVIDED TO THE CHILD CARE CENTER WITHIN 30 DAYS AFTER THE CHILD'S BIRTHDAY.~~

18-2401.

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

(b) "Higher education loan" means any loan for undergraduate or graduate study leading to practice as a dentist **OR DENTAL HYGIENIST** that is obtained for tuition, educational expenses, or living expenses from:

(1) A college or university, government, or commercial source; or

(2) An organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code of 1986.

(c) "Program" means the Maryland Dent-Care Program.

18-2402.

(a) There is a program of higher education loan assistance grants to dentists **AND DENTAL HYGIENISTS** in the State, known as the Maryland Dent-Care Program.

(b) The purpose of the Program is to increase access to oral health services for underserved Maryland Medical Assistance Program recipients by increasing the number of dentists **AND DENTAL HYGIENISTS** who treat that population.

18-2403.

(a) The Office shall administer the Program with the assistance of the Maryland Department of Health, Office of Oral Health.

(b) The Maryland Department of Health, Office of Oral Health shall:

(1) Recruit dentists **AND DENTAL HYGIENISTS** to participate in the Program;

(2) Determine if the private practice or clinical setting in which an applicant will practice is located near or readily accessible to underserved Maryland Medical Assistance Program recipients and if the applicant qualifies for the Program;

(3) Determine if each **DENTIST** participant **OR, FOR EACH DENTAL HYGIENIST PARTICIPANT, EACH OFFICE IN WHICH THE PARTICIPANT WORKS** meets the Program requirements and serves the required number of Maryland Medical Assistance Program recipients; and

(4) Notify the Office of any findings made in accordance with the provisions of this subsection.

18-2404.

Each applicant for a Higher Education Loan Assistance Grant under this subtitle shall:

(1) Be licensed to practice in Maryland by the State Board of Dental Examiners;

(2) Demonstrate financial need;

(3) Be employed full time as a dentist **OR DENTAL HYGIENIST**;

(4) Agree that at least 30% of the patients treated by the dentist **OR IN THE PRACTICE IN WHICH THE DENTAL HYGIENIST WORKS** each year for a 3-year period in a private practice or clinical setting will be Maryland Medical Assistance Program recipients; and

(5) Meet any other criteria established by the Office.

18-2405.

(a) The Office, on notification by the Maryland Department of Health, may award Higher Education Loan Assistance Grants.

(b) The Office, in collaboration with the Maryland Department of Health, shall adopt regulations to determine:

(1) The maximum number of participants in the Program each year;

(2) The maximum number of total participants in the Program; and

(3) [The] **SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE minimum and maximum amount of a Higher Education Loan Assistance Grant awarded under this subtitle.**

(C) (1) ON OR AFTER OCTOBER 1, 2023, THE AMOUNT OF A HIGHER EDUCATION LOAN ASSISTANCE GRANT AWARDED UNDER SUBSECTION (A) OF THIS SECTION:

(I) SHALL BE AT LEAST \$50,000 PER YEAR FOR 3 YEARS FOR A DENTIST; AND

(II) MAY NOT EXCEED \$10,000 PER YEAR FOR 2 YEARS FOR A DENTAL HYGIENIST.

(2) THE OFFICE, IN COLLABORATION WITH THE MARYLAND DEPARTMENT OF HEALTH, SHALL PERIODICALLY EVALUATE THE MINIMUM AND MAXIMUM GRANT AMOUNTS DETERMINED UNDER SUBSECTION (B)(3) OF THIS SECTION.

18-2406.

Each recipient of a Higher Education Loan Assistance Grant under this subtitle may hold the grant for up to 3 years if the recipient:

(1) Continues to be employed full time as a dentist **OR DENTAL HYGIENIST; and**

(2) Continues to treat Maryland Medical Assistance Program recipients as at least 30% of all patients treated [by]:

(I) BY the dentist in a private practice or clinical setting authorized under the Program; OR

(II) IN THE PRIVATE PRACTICE OR CLINICAL SETTING IN WHICH THE DENTAL HYGIENIST WORKS.

Article – Health – General

~~15-103.~~

~~(a) (1) The Secretary shall administer the Maryland Medical Assistance Program.~~

~~(2) THE SECRETARY MAY NOT CONDITION OR LIMIT ELIGIBILITY FOR DENTAL SERVICES UNDER THE PROGRAM BASED ON AN INDIVIDUAL'S CITIZENSHIP OR IMMIGRATION STATUS.~~

~~(3) The Program:~~

~~(i) Subject to the limitations of the State budget, shall provide medical and other health care services for indigent individuals or medically indigent individuals or both;~~

~~(ii) Shall provide, subject to the limitations of the State budget, comprehensive medical, dental, and other health care services for all eligible pregnant women whose family income is at or below 250 percent of the poverty level for the duration of the pregnancy and for 1 year immediately following the end of the woman's pregnancy, as permitted by the federal law;~~

~~(iii) Shall provide, subject to the limitations of the State budget, comprehensive medical and other health care services for all eligible children currently under the age of 1 whose family income falls below 185 percent of the poverty level, as permitted by federal law;~~

~~(iv) Beginning on January 1, 2012, shall provide, subject to the limitations of the State budget, family planning services to all women whose family income is at or below 200 percent of the poverty level, as permitted by federal law;~~

~~(v) Shall provide, subject to the limitations of the State budget, comprehensive medical and other health care services for all children from the age of 1 year up through and including the age of 5 years whose family income falls below 133 percent of the poverty level, as permitted by the federal law;~~

~~(vi) Beginning on January 1, 2014, shall provide, subject to the limitations of the State budget, comprehensive medical care and other health care services for all children who are at least 6 years of age but are under 19 years of age whose family income falls below 133 percent of the poverty level, as permitted by federal law;~~

~~(vii) Shall provide, subject to the limitations of the State budget, comprehensive medical care and other health care services for all legal immigrants who meet Program eligibility standards and who arrived in the United States before August 22, 1996, the effective date of the federal Personal Responsibility and Work Opportunity Reconciliation Act, as permitted by federal law;~~

~~(viii) Shall provide, subject to the limitations of the State budget and any other requirements imposed by the State, comprehensive medical care and other health care services for all legal immigrant children under the age of 18 years and pregnant women who meet Program eligibility standards and who arrived in the United States on or after~~

~~August 22, 1996, the effective date of the federal Personal Responsibility and Work Opportunity Reconciliation Act;~~

~~(ix) Beginning on January 1, 2014, shall provide, subject to the limitations of the State budget, and as permitted by federal law, medical care and other health care services for adults whose annual household income is at or below 133 percent of the poverty level;~~

~~(x) Subject to the limitations of the State budget, and as permitted by federal law:~~

~~1. Shall provide comprehensive medical care, dental care, and other health care services for former foster care adolescents who, on their 18th birthday, were in foster care under the responsibility of the State and are not otherwise eligible for Program benefits; and~~

~~2. May provide comprehensive medical care, dental care, and other health care services for former foster care adolescents who, on their 18th birthday, were in foster care under the responsibility of any other state or the District of Columbia;~~

~~(xi) May include bedside nursing care for eligible Program recipients;~~

~~(xii) Shall provide services in accordance with funding restrictions included in the annual State budget bill;~~

~~(xiii) 1. Beginning on January 1, 2019, may provide, subject to the limitations of the State budget, and as permitted by federal law, dental services for adults whose annual household income is at or below 133 percent of the poverty level;~~

~~2. Beginning on January 1, 2023, shall provide, subject to the limitations of the State budget, and as permitted by federal law, dental services for adults, including diagnostic, preventive, restorative, and periodontal services, whose annual household income is at or below 133 percent of the federal poverty level;~~

~~(xiv) Shall provide, subject to the limitations of the State budget, medically appropriate drugs that are approved by the United States Food and Drug Administration for the treatment of hepatitis C, regardless of the fibrosis score, and that are determined to be medically necessary;~~

~~(xv) Shall provide, subject to the limitations of the State budget, health care services appropriately delivered through telehealth to a patient in accordance with § 15-141.2 of this subtitle;~~

~~(xvi) Beginning on January 1, 2021, shall provide, subject to the limitations of the State budget and § 15-855(b)(2) of the Insurance Article, and as permitted by federal law, services for pediatric autoimmune neuropsychiatric disorders associated~~

~~with streptococcal infections and pediatric acute-onset neuropsychiatric syndrome, including the use of intravenous immunoglobulin therapy, for eligible Program recipients, if pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset neuropsychiatric syndrome are coded for billing and diagnosis purposes in accordance with § 15-855(d) of the Insurance Article;~~

~~(xvii) Beginning on January 1, 2022, may not include, subject to federal approval and limitations of the State budget, a frequency limitation on covered dental prophylaxis care or oral health exams that requires the dental prophylaxis care or oral health exams to be provided at an interval greater than 120 days within a plan year;~~

~~(xviii) Shall provide, subject to the limitations of the State budget, comprehensive medical care and other health care services to noncitizen pregnant women who would be eligible for the Program but for their immigration status and to their children up to the age of 1 year;~~

~~(xix) Shall provide coverage of abortion care services to Program recipients in the manner described in § 15-857(b)(1)(ii) and (2) of the Insurance Article;~~

~~(xx) Beginning on July 1, 2023, shall provide, subject to federal approval and limitations of the State budget, community violence prevention services in accordance with 15-141.3 of this subtitle; and~~

~~(xxi) Beginning on January 1, 2023, shall provide, subject to the limitations of the State budget, and as permitted by federal law, coverage for self-measured blood pressure monitoring for all Program recipients diagnosed with uncontrolled high blood pressure, including:~~

~~1. The provision of validated home blood pressure monitors;~~
and

~~2. Reimbursement of health care provider and other staff time used for patient training, transmission of blood pressure data, interpretation of blood pressure readings and reporting, and the delivery of co-interventions, including educational materials or classes, behavioral change management, and medication management.~~

~~[(3)] (4) Subject to restrictions in federal law or waivers, the Department may:~~

~~(i) Impose cost sharing on Program recipients; and~~

~~(ii) For adults who do not meet requirements for a federal category of eligibility for Medicaid:~~

~~1. Cap enrollment; and~~

~~2. Limit the benefit package.~~

~~[(4)] (5) Subject to the limitations of the State budget, the Department shall implement the provisions of Title II of the federal Patient Protection and Affordable Care Act, as amended by the federal Health Care and Education Reconciliation Act of 2010, to include:~~

~~(i) Parents and caretaker relatives who have a dependent child living in the parents' or caretaker relatives' home; and~~

~~(ii) Adults who do not meet requirements, such as age, disability, or parent or caretaker relative of a dependent child, for a federal category of eligibility for Medicaid and who are not enrolled in the federal Medicare program, as enacted by Title XVII of the Social Security Act.~~

~~15-151.~~

~~THE DEPARTMENT SHALL PROVIDE REIMBURSEMENT FOR SERVICES PROVIDED TO A PROGRAM RECIPIENT BY A COMMUNITY HEALTH WORKER CERTIFIED UNDER § 13-3706 OF THIS ARTICLE THAT:~~

~~(1) ARE COVERED BY THE PROGRAM; AND~~

~~(2) ASSIST THE PROGRAM RECIPIENT IN ACCESSING DENTAL SERVICES.~~

~~15-152.~~ 15-151.

THE DEPARTMENT SHALL:

~~(1) IN FISCAL YEAR 2024, PROVIDE A 4% RATE INCREASE FOR DENTAL SERVICES UNDER THE PROGRAM OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR FISCAL YEAR 2023; AND~~

~~(2) ANNUALLY ANNUALLY EVALUATE REIMBURSEMENT RATES FOR DENTAL SERVICES.~~

SUBTITLE 23. PLAIN LANGUAGE DENTAL INFORMATION.

20-2301.

(A) IN THIS SECTION, "PLAIN LANGUAGE" MEANS LANGUAGE THAT IS CLEAR, CONCISE, AND WELL-ORGANIZED AND COMPLIES WITH OTHER BEST

PRACTICES, INCLUDING GENERALLY ACCEPTED GUIDELINES REGARDING COMPLIANCE WITH THE FEDERAL PLAIN WRITING ACT OF 2010, APPROPRIATE TO THE SUBJECT OR FIELD AND INTENDED AUDIENCE.

(B) THE DEPARTMENT SHALL:

(1) CREATE AND DISTRIBUTE TO DENTAL PRACTICES PLAIN LANGUAGE MATERIALS REGARDING:

(i) THE IMPORTANCE OF REGULAR DENTAL APPOINTMENTS FOR AN INDIVIDUAL’S OVERALL HEALTH; AND

(ii) VARIOUS DENTAL PROCEDURES, AS DETERMINED BY THE DEPARTMENT; AND

(2) ENCOURAGE DENTISTS AND DENTAL HYGIENISTS TO DISTRIBUTE THE PLAIN LANGUAGE MATERIALS CREATED IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION TO THEIR PATIENTS.

Article – Health Occupations

4–101.

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

(b) “Board” means the State Board of Dental Examiners.

4–205.

(c) (1) In addition to the duties set forth elsewhere in this title, the Board shall:

(i) Keep a record of each license and each action taken under § 4–315 of this title;

(ii) Have an official seal;

(iii) Be trained for at least 1 hour each year on the powers, duties, and procedures, including complaint and hearing procedures, of the Board; [and]

(IV) 1. REQUIRE APPLICANTS FOR AN INITIAL LICENSE AND APPLICANTS FOR A LICENSE RENEWAL TO REPORT WHETHER THE APPLICANT PROVIDES OR INTENDS TO PROVIDE MOBILE DENTAL SERVICES OR PORTABLE DENTAL SERVICES; AND

2. PUBLISH ON THE BOARD’S WEBSITE A SEARCHABLE LIST OF LICENSED DENTISTS AND LICENSED DENTAL HYGIENISTS WHO PROVIDE MOBILE DENTAL SERVICES OR PORTABLE DENTAL SERVICES IN THE STATE; AND

[(iv)] (v) Adopt rules, regulations, and bylaws as may be necessary to carry out the provisions of this title.

(2) To be determined to be in compliance with the training requirement under paragraph (1)(iii) of this subsection, the Board shall:

(i) Select an attorney, after consultation with the Maryland State Bar Association, with the appropriate expertise to provide the training to the Board;

(ii) Require each member of the Board to attend the training and receive documentation of completion from the attorney providing the training; and

(iii) Include a summary of the training and attendance in the Board’s annual report.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Department of Health shall convene a stakeholder workgroup to study the establishment of a grant or no-interest loan program for dental providers to open practices in underserved areas.

(b) The workgroup convened under subsection (a) of this section shall include representatives from the Maryland Community Health Resources Commission, the Office of Oral Health, and the Community Dental Clinics Grant Program.

(c) On or before December 1, 2024, the workgroup shall report its findings and recommendations, including recommendations, if necessary, on an appropriate entity to implement and promote the program, to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Department of Health shall conduct a study on dental provider participation in the Maryland Healthy Smiles Dental Program.

(b) The study conducted under subsection (a) of this section shall include a review of:

(1) administrative issues relating to initial enrollment and renewal of the enrollment of providers in the Program; and

(2) possible incentives that may be used to encourage participation in the Program, including certificates of appreciation, rewards, continuing education credits, or tax incentives.

(c) On or before December 1, 2024, the workgroup shall report its findings and recommendations, including recommendations for increasing provider enrollment and renewal, to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Department of Health shall conduct a study on providing reimbursement for services provided to a Maryland Medical Assistance Program recipient by a community health worker certified under § 13–3706 of the Health – General Article that:

(1) are covered by the Maryland Medical Assistance Program; and

(2) assist the Maryland Medical Assistance Program recipient in accessing dental services.

(b) On or before December 1, 2024, the Department shall report its findings and recommendations to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.

Approved by the Governor, May 3, 2023.