

# SENATE BILL 237

J1, J2, F1

3lr1642

CF 3lr0518

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By: Senator Klausmeier

Introduced and read first time: January 23, 2023

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

### **Public Health – Dental Services – Access**

3 FOR the purpose of requiring parents and guardians of children enrolled in the Maryland  
4 Public School System, a family child care home, a large child care home, or a child  
5 care center to provide to the system or facility certain evidence that the child has  
6 received a dental screening within certain time periods; altering the Maryland  
7 Dent–Care Program; establishing prohibitions and requirements regarding the  
8 eligibility for dental services and the reimbursement of dental–related services  
9 under the Maryland Medical Assistance Program; establishing requirements on the  
10 Maryland Department of Health regarding the creation and distribution of plain  
11 language materials related to dental services; requiring the State Board of Dental  
12 Examiners to publish a searchable list of licensed providers who provide mobile  
13 dental services or portable dental services in the State; and generally relating to  
14 access to dental services.

15 BY adding to

16 Article – Education  
17 Section 7–405, 9.5–310.1, and 9.5–413.1  
18 Annotated Code of Maryland  
19 (2022 Replacement Volume)

20 BY repealing and reenacting, with amendments,

21 Article – Education  
22 Section 18–2401 through 18–2406  
23 Annotated Code of Maryland  
24 (2022 Replacement Volume)

25 BY repealing and reenacting, with amendments,

26 Article – Health – General  
27 Section 15–103(a)  
28 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2019 Replacement Volume and 2022 Supplement)

2 BY adding to  
3 Article – Health – General  
4 Section 15–151 and 15–152; and 20–2301 to be under the new subtitle “Subtitle 23.  
5 Plain Language Dental Information”  
6 Annotated Code of Maryland  
7 (2019 Replacement Volume and 2022 Supplement)

8 BY repealing and reenacting, without amendments,  
9 Article – Health Occupations  
10 Section 4–101(a) and (b)  
11 Annotated Code of Maryland  
12 (2021 Replacement Volume and 2022 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Health Occupations  
15 Section 4–205(c)  
16 Annotated Code of Maryland  
17 (2021 Replacement Volume and 2022 Supplement)

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

20 **Article – Education**

21 **7–405.**

22 **(A) THE PARENT OR GUARDIAN OF A CHILD ENROLLED IN THE MARYLAND**  
23 **PUBLIC SCHOOL SYSTEM SHALL PROVIDE TO THE CHILD’S SCHOOL EVIDENCE THAT**  
24 **THE CHILD RECEIVED A DENTAL SCREENING FROM A LICENSED DENTIST WITHIN 6**  
25 **MONTHS BEFORE THE CHILD’S:**

26 **(1) SIXTH BIRTHDAY;**

27 **(2) NINTH BIRTHDAY; AND**

28 **(3) TWELFTH BIRTHDAY.**

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

32 **9.5–310.1.**

1                   (A) THE PARENT OR GUARDIAN OF A CHILD IN A FAMILY CHILD CARE HOME  
2 OR LARGE FAMILY CHILD CARE HOME SHALL PROVIDE TO THE FAMILY CHILD CARE  
3 HOME OR LARGE FAMILY CHILD CARE HOME EVIDENCE THAT THE CHILD HAS  
4 RECEIVED A DENTAL SCREENING FROM A LICENSED DENTIST WITHIN 6 MONTHS:

5                   (1) AFTER THE CHILD'S FIRST BIRTHDAY;

6                   (2) BEFORE THE CHILD'S THIRD BIRTHDAY; AND

7                   (3) BEFORE THE CHILD'S SIXTH BIRTHDAY.

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

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

16 **9.5–413.1.**

17                   (A) THE PARENT OR GUARDIAN OF A CHILD IN A CHILD CARE CENTER SHALL  
18 PROVIDE TO THE CHILD CARE CENTER EVIDENCE THAT THE CHILD HAS RECEIVED A  
19 DENTAL SCREENING FROM A LICENSED DENTIST WITHIN 6 MONTHS:

20                   (1) AFTER THE CHILD'S FIRST BIRTHDAY;

21                   (2) BEFORE THE CHILD'S THIRD BIRTHDAY; AND

22                   (3) BEFORE THE CHILD'S SIXTH BIRTHDAY.

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

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

29 **18–2401.**

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

4 (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.

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

8 18-2402.

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

14 18-2403.

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

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

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

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

29 18-2404.

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

1 shall:

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

4 (2) Demonstrate financial need;

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

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

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

11 18-2405.

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

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

16 (1) The maximum number of participants in the Program each year;  
17 (2) The maximum number of total participants in the Program; and

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

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

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

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

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

## 1 SECTION.

2 18-2406.

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

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

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

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

## Article – Health – General

14 15-103.

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

### 20 (3) The Program:

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

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

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

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

(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;

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

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

17 (xvi) Beginning on January 1, 2021, shall provide, subject to the  
18 limitations of the State budget and § 15–855(b)(2) of the Insurance Article, and as permitted  
19 by federal law, services for pediatric autoimmune neuropsychiatric disorders associated  
20 with streptococcal infections and pediatric acute onset neuropsychiatric syndrome,  
21 including the use of intravenous immunoglobulin therapy, for eligible Program recipients,  
22 if pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections  
23 and pediatric acute onset neuropsychiatric syndrome are coded for billing and diagnosis  
24 purposes in accordance with § 15–855(d) of the Insurance Article;

25 (xvii) Beginning on January 1, 2022, may not include, subject to federal  
26 approval and limitations of the State budget, a frequency limitation on covered dental  
27 prophylaxis care or oral health exams that requires the dental prophylaxis care or oral  
28 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;

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

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

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

12 [ (3) ] (4) Subject to restrictions in federal law or waivers, the Department  
13 may:

14 (i) Impose cost-sharing on Program recipients; and

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

17 1. Cap enrollment; and

## 18 2. Limit the benefit package.

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

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

29 15-151.

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

33 (1) ARE COVERED BY THE PROGRAM; AND

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

3 15-152.

## 4 THE DEPARTMENT SHALL:

**SUBTITLE 23. PLAIN LANGUAGE DENTAL INFORMATION.**

11 20-2301.

12 (A) IN THIS SECTION, "PLAIN LANGUAGE" MEANS LANGUAGE THAT IS  
13 CLEAR, CONCISE, AND WELL-ORGANIZED AND COMPLIES WITH OTHER BEST  
14 PRACTICES, INCLUDING GENERALLY ACCEPTED GUIDELINES REGARDING  
15 COMPLIANCE WITH THE FEDERAL PLAIN WRITING ACT OF 2010, APPROPRIATE TO  
16 THE SUBJECT OR FIELD AND INTENDED AUDIENCE.

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

22 (II) VARIOUS DENTAL PROCEDURES, AS DETERMINED BY THE  
23 DEPARTMENT: AND

## Article – Health Occupations

28 4-101

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

(b) "Board" means the State Board of Dental Examiners.

3 4-205.

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

6 (i) Keep a record of each license and each action taken under §  
7 4–315 of this title;

8 (ii) Have an official seal;

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

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

18                           [(iv)] (v)    Adopt rules, regulations, and bylaws as may be necessary  
19 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:

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

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

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That:

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

9 SECTION 3. AND BE IT FURTHER ENACTED, That:

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

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

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

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

23 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
24 1, 2023.