

Chapter 545

(House Bill 725)

AN ACT concerning

State Board of Dental Examiners – Death of a Licensed Dentist – Ownership of a Dental Practice

FOR the purpose of authorizing, under certain circumstances, an heir or a personal representative of a deceased licensed dentist who was the owner of a dental practice to serve as an owner of the dental practice for a certain period of time; authorizing the State Board of Dental Examiners to extend a certain time period under certain circumstances; requiring that all patient care be provided by certain individuals and in accordance with certain scopes of practice during the temporary ownership of a dental practice by an heir or a representative of a deceased licensed dentist; prohibiting the temporary ownership of a dental practice by an heir or a representative of a deceased licensed dentist to affect the exercise of independent judgment by certain licensed dentists; and generally relating to the death of a licensed dentist and the ownership of the practice of the licensed dentist.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 4–301

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

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

Article – Health Occupations

4–301.

(a) (1) Except as otherwise provided in this title, an individual shall be licensed by the Board to practice dentistry before the individual may practice dentistry on a human being in this State.

(2) Except as otherwise provided in this title, an individual shall be licensed by the Board to practice dental hygiene before the individual may practice dental hygiene on a human being in this State.

(b) This section does not apply to:

(1) A student of dentistry while engaged in an educational program at an approved school of dentistry;

(2) A student of dental hygiene while engaged in an approved educational program in dental hygiene;

(3) A dentist while performing official duties in a federal dental service;

(4) An individual licensed to practice dentistry in any other state or a foreign country, while the individual:

(i) Makes a clinical demonstration before a dental society, dental convention, association of dentists, or dental college; or

(ii) Performs professional duties on a specific case for which the individual is called into this State; [or]

(5) A dental assistant, if the dental assistant:

(i) Subject to the rules and regulations adopted by the Board, performs only procedures that do not require the professional skills of a licensed dentist; and

(ii) Performs intraoral tasks only under the direct supervision of a licensed dentist who personally is present in the office area where the tasks are performed;
OR

(6) AN HEIR OF A DECEASED LICENSED DENTIST OR A PERSONAL REPRESENTATIVE OF A DECEASED LICENSED DENTIST, IF:

(I) THE DECEASED LICENSED DENTIST WAS THE OWNER OF THE DENTAL PRACTICE;

(II) THE DECEASED LICENSED DENTIST DID NOT PROVIDE FOR THE DISPOSITION OF THE DENTAL PRACTICE; AND

(III) THE HEIR OR THE PERSONAL REPRESENTATIVE OF THE DECEASED LICENSED DENTIST SERVES AS THE OWNER OF THE DENTAL PRACTICE, REGARDLESS OF WHETHER THE HEIR OR THE PERSONAL REPRESENTATIVE IS LICENSED TO PRACTICE DENTISTRY, FOR NO LONGER THAN 1 YEAR AFTER THE DEATH OF THE LICENSED DENTIST UNLESS THE BOARD EXTENDS THE TIME PERIOD UNDER SUBSECTION (C)(1) OF THIS SECTION.

(C) (1) ON WRITTEN REQUEST AND GOOD CAUSE SHOWN BY THE HEIR OR PERSONAL REPRESENTATIVE OF A DECEASED LICENSED DENTIST, INCLUDING EVIDENCE OF A GOOD FAITH EFFORT TO SELL OR CLOSE THE DENTAL PRACTICE, THE BOARD, IN ITS SOLE DISCRETION, MAY EXTEND THE 1-YEAR PERIOD UNDER

SUBSECTION (B)(6)(III) OF THIS SECTION FOR UP TO AN ADDITIONAL 6 MONTHS TO ALLOW THE HEIR OR PERSONAL REPRESENTATIVE SUFFICIENT TIME TO SELL OR OTHERWISE DISPOSE OF THE DENTAL PRACTICE.

(2) DURING THE TEMPORARY OWNERSHIP OF A DENTAL PRACTICE BY AN HEIR OR A REPRESENTATIVE OF A DECEASED LICENSED DENTIST UNDER SUBSECTION (B)(6)(III) OF THIS SECTION AND, IF APPLICABLE, PARAGRAPH (1) OF THIS SUBSECTION, ALL PATIENT CARE SHALL BE PROVIDED:

(I) BY AN APPROPRIATE INDIVIDUAL WHO IS LICENSED UNDER THIS TITLE; AND

(II) IN ACCORDANCE WITH THE INDIVIDUAL'S SCOPE OF PRACTICE.

(3) THE TEMPORARY OWNERSHIP OF A DENTAL PRACTICE BY AN HEIR OR A PERSONAL REPRESENTATIVE OF A DECEASED LICENSED DENTIST UNDER THIS SUBSECTION MAY NOT AFFECT THE EXERCISE OF THE INDEPENDENT JUDGMENT OF A LICENSED DENTIST WHO PROVIDES CARE TO PATIENTS OF THE DENTAL PRACTICE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, May 4, 2017.