

HOUSE BILL 968

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CF SB 714

By: **Delegate Kipke**

Introduced and read first time: February 10, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Dental Assistants – Certification and Regulation**

3 FOR the purpose of establishing a certification and regulatory scheme to certify dental
4 assistants to perform certain intraoral procedures; specifying the intraoral
5 procedures a dental assistant is authorized to perform without being certified by the
6 State Board of Dental Examiners and the intraoral procedures that require
7 certification; authorizing the Board to penalize a licensed dentist who allows a dental
8 assistant to provide dental care in an unauthorized manner or without required
9 instruction or supervision; and generally relating to dental assistants.

10 BY repealing and reenacting, without amendments,

11 Article – Health Occupations
12 Section 4–101(a)
13 Annotated Code of Maryland
14 (2021 Replacement Volume)

15 BY adding to

16 Article – Health Occupations
17 Section 4–101(b–1) and (c–1), 4–301.1, 4–302.1, 4–304.1, 4–305.1, 4–307.1, 4–309.1,
18 4–313.1, and 4–315(a)(38)
19 Annotated Code of Maryland
20 (2021 Replacement Volume)

21 BY repealing and reenacting, with amendments,

22 Article – Health Occupations
23 Section 4–205(a)(1)(iii), 4–301(b)(5), 4–315(a)(36) and (37), and 4–505
24 Annotated Code of Maryland
25 (2021 Replacement Volume)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Health Occupations**

2 4–101.

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

4 **(B–1) “CERTIFIED DENTAL ASSISTANT” MEANS A DENTAL ASSISTANT WHO IS**
5 **CERTIFIED BY THE BOARD TO PERFORM SPECIFIED INTRAORAL PROCEDURES.**

6 **(C–1) “DENTAL ASSISTANT” MEANS AN INDIVIDUAL WHO DIRECTLY ASSISTS A**
7 **DENTIST IN THE PRACTICE OF DENTISTRY.**

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 (iii) The use of a dental assistant by a licensed dentist in performing
12 intraoral procedures, **INCLUDING:**

13 **1. REASONABLE POLICIES AND GUIDELINES FOR A**
14 **DENTAL ASSISTANT TO ASSIST IN PERFORMING INTRAORAL PROCEDURES**
15 **AUTHORIZED UNDER § 4–301(A) OF THIS TITLE; AND**

16 **2. REASONABLE EDUCATION OR TRAINING**
17 **REQUIREMENTS FOR AN INDIVIDUAL TO BECOME A CERTIFIED DENTAL ASSISTANT**
18 **AND PERFORM THE INTRAORAL PROCEDURES AUTHORIZED UNDER § 4–301.1(B) OF**
19 **THIS TITLE;**

20 4–301.

21 (b) This section does not apply to:

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

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

26 (ii) Performs intraoral **[tasks] PROCEDURES IN ACCORDANCE**
27 **WITH § 4–301.1 OF THIS SUBTITLE** only under the direct supervision of a licensed dentist
28 who personally is present in the office area where the **[tasks] PROCEDURES** are performed;
29 or

1 4-301.1.

2 (A) A DENTAL ASSISTANT MAY ASSIST A LICENSED DENTIST IN PROVIDING
3 THE FOLLOWING INTRAORAL PROCEDURES UNDER THE DIRECT SUPERVISION OF A
4 LICENSED DENTIST WITHOUT BEING CERTIFIED BY THE BOARD:

5 (1) RINSING AND ASPIRATION OF THE ORAL CAVITY;

6 (2) RETRACTION OF THE LIPS, CHEEKS, TONGUE, AND FLAPS;

7 (3) PLACEMENT AND REMOVAL OF MATERIALS FOR THE ISOLATION
8 OF THE DENTITION, PROVIDED THAT THE MATERIAL IS NOT RETAINED BY THE
9 DENTITION;

10 (4) INSTRUCTING ON ORAL HYGIENE;

11 (5) PERFORMING INTRAORAL PHOTOGRAPHY OTHER THAN
12 CONVENTIONAL OR DIGITAL X-RAY;

13 (6) TAKING IMPRESSIONS FOR STUDY MODELS OR DIAGNOSTIC
14 CASTS;

15 (7) CONSTRUCTING ATHLETIC MOUTH GUARDS ON MODELS;

16 (8) APPLYING TOPICAL ANESTHESIA;

17 (9) CURING BY THE USE OF HALOGEN LIGHT;

18 (10) CHECKING FOR LOOSE BANDS; AND

19 (11) ANY OTHER PROCEDURE THAT THE BOARD AUTHORIZES BY A
20 RULE OR REGULATION.

21 (B) (1) EXCEPT FOR AN INDIVIDUAL LICENSED AS A DENTIST OR A
22 DENTAL HYGIENIST UNDER THIS TITLE, AN INDIVIDUAL SHALL BE CERTIFIED BY
23 THE BOARD AS A CERTIFIED DENTAL ASSISTANT AUTHORIZED TO PERFORM AT
24 LEAST ONE OF THE FOLLOWING INTRAORAL PROCEDURES BEFORE THE INDIVIDUAL
25 MAY PERFORM THE INTRAORAL PROCEDURE IN THE STATE:

26 (I) ASSISTING IN ORTHODONTIC PROCEDURES AUTHORIZED
27 BY THE BOARD IN REGULATION;

1 **(II) PLACING DENTAL SEALANTS;**

2 **(III) AS PART OF DENTAL PROPHYLAXIS OR BEFORE THE**
3 **PERFORMANCE OF ESTHETIC AND CEMENTATION PROCEDURES, CORONAL**
4 **POLISHING SOLELY FOR STAIN AND BIOFILM REMOVAL;**

5 **(IV) APPLYING SILVER DIAMINE FLUORIDE;**

6 **(V) MONITORING NITROUS OXIDE; OR**

7 **(VI) ADDITIONAL INTRAORAL PROCEDURES AUTHORIZED BY**
8 **THE BOARD IN REGULATIONS.**

9 **(2) A DENTAL ASSISTANT WHO IS CERTIFIED BY THE BOARD TO**
10 **PERFORM AN INTRAORAL PROCEDURE LISTED IN PARAGRAPH (1) OF THIS**
11 **SUBSECTION MAY PERFORM THE INTRAORAL PROCEDURE LISTED IN PARAGRAPH**
12 **(1) OF THIS SUBSECTION IF A LICENSED DENTIST:**

13 **(I) GIVES THE CERTIFIED DENTAL ASSISTANT SPECIFIC**
14 **INSTRUCTIONS TO PERFORM THE INTRAORAL PROCEDURE; AND**

15 **(II) DIRECTLY SUPERVISES THE CERTIFIED DENTAL ASSISTANT**
16 **PERFORMING THE INTRAORAL PROCEDURE.**

17 **4-302.1.**

18 **(A) TO QUALIFY FOR A CERTIFICATE TO BE A CERTIFIED DENTAL**
19 **ASSISTANT, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE**
20 **REQUIREMENTS OF THIS SECTION.**

21 **(B) THE APPLICANT MUST BE OF GOOD MORAL CHARACTER.**

22 **(C) THE APPLICANT MUST BE AT LEAST 17 YEARS OLD.**

23 **(D) THE APPLICANT MUST:**

24 **(1) BE A HIGH SCHOOL GRADUATE OR HAVE ATTAINED A HIGH**
25 **SCHOOL EQUIVALENCY;**

26 **(2) HAVE SUCCESSFULLY COMPLETED A COURSE APPROVED BY THE**
27 **BOARD RELATED TO THE INTRAORAL PROCEDURE FOR WHICH THE APPLICANT HAS**
28 **APPLIED FOR A CERTIFICATE;**

1 **(3) HAVE THE APPROPRIATE CERTIFICATION FROM THE DENTAL**
2 **ASSISTING NATIONAL BOARD;**

3 **(4) HAVE PASSED ANY EXAMINATION PROVIDED FOR IN A**
4 **REGULATION ADOPTED BY THE BOARD; AND**

5 **(5) SUBMIT TO A STATE CRIMINAL HISTORY RECORDS CHECK.**

6 **4-304.1.**

7 **TO APPLY FOR A CERTIFICATE TO BE A CERTIFIED DENTAL ASSISTANT, AN**
8 **APPLICANT SHALL:**

9 **(1) SUBMIT AN APPLICATION TO THE BOARD IN A MANNER THAT THE**
10 **BOARD REQUIRES; AND**

11 **(2) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD.**

12 **4-305.1.**

13 **(A) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A CERTIFICATE TO BE**
14 **A CERTIFIED DENTAL ASSISTANT IS ENTITLED TO BE EXAMINED AS PROVIDED FOR**
15 **IN THIS SECTION.**

16 **(B) THE BOARD SHALL NOTIFY EACH QUALIFIED APPLICANT OF THE TIME**
17 **AND PLACE OF THE EXAMINATION.**

18 **(C) THE BOARD SHALL DETERMINE THE SUBJECTS, SCOPE, FORM, AND**
19 **PASSING SCORE FOR EXAMINATIONS GIVEN UNDER THIS SECTION.**

20 **(D) AN APPLICANT SHALL PAY TO THE BOARD AN EXAMINATION FEE SET BY**
21 **THE BOARD IN AN AMOUNT THAT DOES NOT EXCEED THE COSTS OF ADMINISTERING**
22 **THE EXAMINATION.**

23 **4-307.1.**

24 **(A) THE BOARD SHALL ISSUE AN APPROPRIATE CERTIFICATE TO ANY**
25 **APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE AND REGULATIONS**
26 **ADOPTED BY THE BOARD FOR THAT CERTIFICATE.**

27 **(B) THE BOARD SHALL INCLUDE ON EACH CERTIFICATE THAT THE BOARD**
28 **ISSUES:**

- 1 (1) THE NAME OF THE CERTIFIED INDIVIDUAL;
- 2 (2) THE DATE THE CERTIFICATE WAS ISSUED;
- 3 (3) THE INTRAORAL PROCEDURES THAT THE CERTIFIED DENTAL
4 ASSISTANT IS QUALIFIED TO PERFORM;
- 5 (4) A SERIAL NUMBER;
- 6 (5) THE SIGNATURES OF THE PRESIDENT AND SECRETARY OF THE
7 BOARD; AND
- 8 (6) THE SEAL OF THE BOARD.

9 (C) THE BOARD SHALL ISSUE A CERTIFICATE TO REPLACE A LOST OR
10 DESTROYED CERTIFICATE IF THE CERTIFIED DENTAL ASSISTANT PAYS A FEE SET BY
11 THE BOARD THAT APPROXIMATES THE ACTUAL COST OF REPLACING THE
12 CERTIFICATE.

13 (D) AN INDIVIDUAL MAY BE SIMULTANEOUSLY CERTIFIED AS A DENTAL
14 RADIATION TECHNOLOGIST UNDER § 4-505 OF THIS TITLE AND AS A CERTIFIED
15 DENTAL ASSISTANT.

16 **4-309.1.**

17 (A) A CERTIFICATE EXPIRES ON THE DATE SET BY THE BOARD, UNLESS THE
18 CERTIFICATE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED FOR BY THE
19 BOARD.

20 (B) AT LEAST 1 MONTH BEFORE A CERTIFICATE EXPIRES, THE BOARD
21 SHALL SEND TO THE CERTIFIED DENTAL ASSISTANT, BY ELECTRONIC MEANS AND
22 FIRST-CLASS MAIL TO THE LAST KNOWN ELECTRONIC OR PHYSICAL ADDRESS OF
23 THE DENTAL ASSISTANT, A RENEWAL NOTICE THAT STATES THE:

- 24 (1) DATE ON WHICH THE CURRENT CERTIFICATE EXPIRES;
- 25 (2) DATE BY WHICH THE RENEWAL APPLICATION MUST BE RECEIVED
26 BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE
27 CERTIFICATE EXPIRES; AND
- 28 (3) AMOUNT OF THE RENEWAL FEE.

29 **4-313.1.**

1 **EACH HOLDER OF A CERTIFICATE TO BE A CERTIFIED DENTAL ASSISTANT**
2 **SHALL KEEP THE CERTIFICATE, AND ANY CURRENT RENEWAL, IN THE OFFICE**
3 **WHERE THE DENTAL ASSISTANT IS EMPLOYED.**

4 4–315.

5 (a) Subject to the hearing provisions of § 4–318 of this subtitle, the Board may
6 deny a general license to practice dentistry, a limited license to practice dentistry, or a
7 teacher’s license to practice dentistry to any applicant, reprimand any licensed dentist,
8 place any licensed dentist on probation, or suspend or revoke the license of any licensed
9 dentist, if the applicant or licensee:

10 (36) Fails to comply with the requirements of the Prescription Drug
11 Monitoring Program in Title 21, Subtitle 2A of the Health – General Article; [or]

12 (37) Accepts or tenders rebates or splits fees in violation of § 4–103(c) of this
13 subtitle; **OR**

14 **(38) ALLOWS A DENTAL ASSISTANT TO ASSIST IN THE PRACTICE OF**
15 **DENTISTRY:**

16 **(I) IN AN UNAUTHORIZED MANNER IN VIOLATION OF THIS**
17 **TITLE OR REGULATIONS ADOPTED BY THE BOARD;**

18 **(II) WITHOUT SPECIFICALLY INSTRUCTING THE CERTIFIED**
19 **DENTAL ASSISTANT TO PERFORM AN INTRAORAL PROCEDURE THAT THE CERTIFIED**
20 **DENTAL ASSISTANT IS AUTHORIZED TO PERFORM; OR**

21 **(III) FAILING TO PROVIDE DIRECT SUPERVISION OF A DENTAL**
22 **ASSISTANT.**

23 4–505.

24 (a) The Board of Dental Examiners shall:

25 (1) Define, for the purpose of this section, the terms “dental radiation
26 technologist” and “practice dental radiation technology”;

27 (2) Adopt rules and regulations concerning qualifications, training,
28 certification, monitoring of, and enforcement requirements for a dental radiation
29 technologist; and

30 (3) Provide for a requirement to ensure competency in new safety and
31 technological advances.

1 (b) The qualifications required of applicants for Board certification as a dental
2 radiation technologist shall include requirements established by:

3 (1) The American Dental Association; or

4 (2) Any applicable federal standards for training and certification.

5 (c) After July 1, 1988, an individual must be certified by the Board as a dental
6 radiation technologist before a licensed dentist may employ the individual to practice
7 dental radiation technology.

8 (d) After July 1, 1988, an individual may not practice dental radiation technology
9 unless certified by the Board.

10 (e) At least 1 month before a certificate expires, the Board shall send to each
11 certificate holder, by electronic means or first-class mail to the last known electronic or
12 physical address of the certificate holder, a renewal notice that states:

13 (1) The date on which the current certificate expires;

14 (2) The date by which the renewal application must be received by the
15 Board for the renewal to be issued and mailed before the certificate expires; and

16 (3) The amount of the renewal fee.

17 **(F) AN INDIVIDUAL MAY BE SIMULTANEOUSLY CERTIFIED AS A DENTAL**
18 **RADIATION TECHNOLOGIST UNDER THIS SECTION AND AS A CERTIFIED DENTAL**
19 **ASSISTANT.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2022.