

Chapter 905

(House Bill 499)

AN ACT concerning

Health Occupations – Private Dental Offices – Infection Control

FOR the purpose of requiring each owner of a private dental office to designate a licensed dentist to be the supervising dentist for the private dental office; requiring a supervising dentist to complete the registration required by the State Board of Dental Examiners and be responsible for all infection control activities within the private dental office; ~~establishing a certain limit on the number of private dental offices that a supervising dentist may supervise;~~ requiring the owner of a private dental office to designate an interim supervising dentist under certain circumstances; authorizing the Board to charge a certain registration fee; and generally relating to infection control in private dental offices.

BY repealing and reenacting, without amendments,

Article – Health Occupations
Section 4–101(a) and 4–308(l)(1)
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations
Section 4–101(l)
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY adding to

Article – Health Occupations
Section 4–104
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – Health Occupations~~
~~Section 4–308(l)(1)~~
~~Annotated Code of Maryland~~
~~(2021 Replacement Volume and 2023 Supplement)~~

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

Article – Health Occupations

4-101.

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

(1) “Practice dentistry” means to:

(i) Perform or attempt to perform any intraoral dental service or intraoral dental operation;

(ii) 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;

(iii) Perform or offer to perform dental laboratory work;

(iv) Place or adjust a dental appliance in a human mouth; or

(v) Administer anesthesia for the purposes of dentistry and not as a medical specialty.

(2) “Practice dentistry” includes:

(i) Patient evaluation, diagnosis, and determination of treatment plans;

(ii) Determination of treatment options, including the choice of restorative and treatment materials and diagnostic equipment; and

(iii) Determination and establishment of dental patient protocols, dental standards of care, and dental practice guidelines.

(3) “PRACTICE DENTISTRY” DOES NOT INCLUDE THE RESPONSIBILITIES OF A SUPERVISING DENTIST UNDER § 4-104 OF THIS SUBTITLE.

4-104.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (1) “INFECTION CONTROL ACTIVITIES” MEANS STRUCTURAL INFECTION CONTROL OR INFECTION CONTROL THAT IMPACTS THE ENTIRETY OF THE PRIVATE DENTAL OFFICE, AS DETERMINED BY THE BOARD IN REGULATION.

(II) “INFECTION CONTROL ACTIVITIES” INCLUDES:

1. ADHERENCE TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION GUIDELINES FOR INFECTION CONTROL IN DENTAL HEALTH-CARE SETTINGS, OR ITS SUCCESSOR GUIDELINES;

2. WATER QUALITY TESTING; AND

3. SPORE TESTING.

(III) “INFECTION CONTROL ACTIVITIES” DOES NOT INCLUDE ACTIVITIES IN CONTROL OF INDIVIDUAL DENTISTS, INCLUDING USE OF ADEQUATE PERSONAL PROTECTIVE EQUIPMENT OR STERILIZATION OF INSTRUMENTS.

~~(A) IN THIS SECTION, “PRIVATE DENTAL OFFICE” HAS THE MEANING~~

(3) “PRIVATE DENTAL OFFICE” HAS THE MEANING STATED IN § 4-308(L)(1) OF THIS TITLE.

(B) (1) THIS SECTION APPLIES ONLY WITH RESPECT TO PRIVATE DENTAL OFFICES.

(2) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT AN UNLICENSED INDIVIDUAL FROM ASSISTING WITH REGULATORY COMPLIANCE CONSISTENT WITH § 4-103(E)(12) OF THIS SUBTITLE.

(C) EACH OWNER OF A PRIVATE DENTAL OFFICE SHALL DESIGNATE A LICENSED DENTIST TO BE THE SUPERVISING DENTIST FOR THE PRIVATE DENTAL OFFICE.

(D) A SUPERVISING DENTIST DESIGNATED UNDER SUBSECTION (C) OF THIS SECTION SHALL:

(1) COMPLETE THE REGISTRATION REQUIRED BY THE BOARD; AND

(2) BE RESPONSIBLE FOR ALL INFECTION CONTROL ACTIVITIES WITHIN THE PRIVATE DENTAL OFFICE, ~~INCLUDING ADHERENCE TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION GUIDELINES FOR INFECTION CONTROL IN DENTAL HEALTH-CARE SETTINGS, OR ITS SUCCESSOR GUIDELINES.~~

~~(E) A SUPERVISING DENTIST DESIGNATED UNDER SUBSECTION (C) OF THIS SECTION MAY SUPERVISE NOT MORE THAN THREE PRIVATE DENTAL OFFICES THAT ARE WITHIN CLOSE ENOUGH PROXIMITY TO ALLOW FOR PERSONAL OVERSIGHT OF EACH OFFICE, AS DETERMINED BY THE BOARD IN REGULATION.~~

~~(F)~~ **(E)** IF A SUPERVISING DENTIST FOR A PRIVATE DENTAL OFFICE RELINQUISHES THE SUPERVISING DENTIST'S RESPONSIBILITY UNDER SUBSECTION (D)(2) OF THIS SECTION FOR ANY REASON, THE OWNER OF THE PRIVATE DENTAL OFFICE SHALL IMMEDIATELY DESIGNATE AN INTERIM SUPERVISING DENTIST WHO SHALL BE RESPONSIBLE FOR ALL INFECTION CONTROL WITHIN THE PRIVATE DENTAL OFFICE UNTIL A NEW SUPERVISING DENTIST FOR THE PRIVATE DENTAL OFFICE REGISTERS WITH THE BOARD.

~~(G)~~ **(F)** THE BOARD MAY CHARGE A FEE FOR THE REGISTRATION OF A SUPERVISING DENTIST UNDER THIS SECTION.

4-308.

(l) (1) In this subsection, "private dental office" means a dental office owned and operated by:

(i) A licensed dentist; or

(ii) A professional corporation, partnership, limited liability company, or limited liability partnership owned and controlled by a licensed dentist.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, May 16, 2024.