

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 335

(Senator Klausmeier)

Finance

Rules and Executive Nominations

Health Occupations - Private Dental Offices - Infection Control

This bill requires each owner of a private dental office to designate a licensed dentist to be the supervising dentist for the office. A supervising dentist must complete the registration required by the State Board of Dental Examiners (BDE) and be responsible for all “infection control activities” within the office. If a supervising dentist relinquishes their responsibility for infection control activities, the owner of the private dental office must immediately designate an interim supervising dentist until a new supervising dentist registers with the board. The board may charge a registration fee. The bill may not be construed to prevent an unlicensed individual from assisting with regulatory compliance.

Fiscal Summary

State Effect: BDE can register supervising dentists and promulgate regulations with existing budgeted resources. BDE special fund revenues likely increase by minimal amount beginning in FY 2025, as discussed below.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Infection control activities” means structural infection control or infection control that impacts the entirety of the private dental office, as determined by BDE in regulation. “Infection control activities” includes (1) adherence to the U.S. Centers for Disease Control and Prevention (CDC) *Guidelines for Infection Control in Dental Health-Care Settings* or its successor guidelines; (2) water quality testing; and (3) spore

testing. “Infection control activities” does not include activities in control of individual dentists, including use of adequate personal protective equipment or sterilization of instruments.

The bill specifies that “practice dentistry” does not include the responsibilities of a supervising dentist.

Current Law: “Private dental office” means dental office owned and operated by a (1) licensed dentist or (2) professional corporation, partnership, limited liability company, or limited liability partnership owned and controlled by a licensed dentist.

A licensed dentist may supervise specified activities within a dental office, including the practice of licensed dental hygienists and/or certified dental assistants. Supervising dentists are typically required to be on premises and available for personal consultation while dental services are being performed, or not on the premises under specified circumstances. Supervising dentists may also consult with other dental or health care professionals regarding the dental care of patients.

In 2003, the CDC published the [Guidelines for Infection Control in Dental Health-Care Settings](#). Additional infection control guidance was issued during the [COVID-19 pandemic](#).

State Revenues: The bill authorizes BDE to charge a fee for the registration of a supervising dentist in a private dental office. BDE advises that the initial registration of a supervising dentist will likely be combined with the initial or renewal license application and will likely result in no additional fee. However, BDE will likely charge a registration fee when the supervising dentist at a private dental office changes. BDE anticipates charging a \$10 registration fee for approximately 200 private dental offices that may change their supervising dentist annually. Thus, BDE special fund revenues likely increase by approximately \$2,000 annually (\$1,500 in fiscal 2025, and \$2,000 in fiscal 2026 and thereafter).

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 499 (Delegate Bagnall, *et al.*) - Health and Government Operations.

Information Source(s): U.S. Centers for Disease Control and Prevention; Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - February 8, 2024
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