

SENATE BILL 544

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8lr3170
CF 8lr2416

By: **Senator Conway**

Introduced and read first time: January 31, 2018

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Advanced Practice Dental Hygiene**

3 FOR the purpose of requiring the State Board of Dental Examiners to adopt regulations for
4 the licensure of advanced practice dental hygienists and the practice of advanced
5 practice dental hygiene; requiring the Board to adopt regulations establishing
6 criteria for taking certain actions relating to a delegation agreement; requiring the
7 Board to adopt a code of ethics for the practice of advanced practice dental hygiene;
8 requiring the Board to set certain fees and to pay all fees collected to the Comptroller;
9 requiring the Comptroller to distribute all fees to the State Board of Dental
10 Examiners Fund; requiring, with certain exceptions and beginning on a certain date,
11 that an individual be licensed by the Board before the individual may practice
12 advanced practice dental hygiene in the State; providing for the construction of
13 certain provisions of this Act; requiring that a license issued to an advanced practice
14 dental hygienist limit the advanced practice dental hygienist's scope of practice to
15 certain acts; specifying certain patient services that may be provided by an advanced
16 practice dental hygienist under certain circumstances; establishing that an
17 advanced practice dental hygienist is the agent of the supervising dentist under
18 certain circumstances; prohibiting a dentist from delegating acts to an advanced
19 practice dental hygienist unless the dentist has submitted a certain delegation
20 agreement and received approval from the Board; requiring that a delegation
21 agreement include certain elements and attestations; requiring that a delegation
22 agreement be submitted with a certain application fee; requiring the Board to set the
23 fee in a certain manner; limiting the number of advanced practice dental hygienists
24 that a supervising dentist may supervise at the same time; establishing the
25 qualifications that an applicant must meet to qualify for a license to practice
26 advanced practice dental hygiene and for an advanced practice dental hygienist
27 licensed in another state to obtain a license; requiring an applicant to submit a
28 certain application and pay a certain fee to apply for a license to practice advanced
29 practice dental hygiene; requiring the Board to issue a license to a certain applicant;
30 providing that a license authorizes an individual to practice as an advanced practice
31 dental hygienist in the State under certain circumstances while the license is

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 effective; authorizing an advanced practice dental hygienist to practice under the
 2 general supervision of a dentist except under certain circumstances; providing for
 3 the renewal and reinstatement of an advanced practice dental hygienist license;
 4 requiring a licensed advanced practice dental hygienist to notify the Board in writing
 5 of a change in name or address within a certain period of time; prohibiting a licensed
 6 advanced practice dental hygienist from surrendering a license and prohibiting the
 7 lapse of a license under certain circumstances; authorizing the Board to take certain
 8 disciplinary action against an applicant or a licensee for certain reasons; authorizing
 9 the Board to impose a certain fine on a licensee under certain circumstances;
 10 requiring the Board to adopt regulations to set certain standards; requiring the
 11 Board to pay a certain fine into the General Fund of the State; requiring the Board
 12 to give a certain individual an opportunity for a hearing before the Board and to give
 13 certain notice and hold the hearing in accordance with certain provisions of law;
 14 authorizing the Board to issue subpoenas and administer oaths under certain
 15 circumstances; authorizing a certain court to take certain action against an
 16 individual who disobeys a subpoena from the Board or an order by the Board;
 17 authorizing the Board to hear and determine a certain matter under certain
 18 circumstances; authorizing an individual aggrieved by a decision of the Board to take
 19 certain action under certain circumstances; authorizing the Board to reinstate the
 20 certificate of an individual whose license has been revoked; prohibiting an individual
 21 from practicing, attempting to practice, or offering to practice advanced practice
 22 dental hygiene in the State without a license; establishing certain penalties for
 23 violations of certain provisions of this Act; establishing a certain short title; requiring
 24 the Board to report certain information to certain committees of the General
 25 Assembly on or before certain dates; stating the intent of the General Assembly
 26 regarding the initial funding of the Board and the reimbursement to the General
 27 Fund for certain costs under certain circumstances; defining certain terms; and
 28 generally relating to licensing of advanced practice dental hygienists and the State
 29 Board of Dental Examiners.

30 BY adding to

31 Article – Health Occupations

32 Section 4–6A–01 through 4–6A–24 to be under the new subtitle “Subtitle 6A.
 33 Advanced Practice Dental Hygiene”

34 Annotated Code of Maryland

35 (2014 Replacement Volume and 2017 Supplement)

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

38 **Article – Health Occupations**

39 **SUBTITLE 6A. ADVANCED PRACTICE DENTAL HYGIENE.**

40 **4–6A–01.**

41 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**

1 INDICATED.

2 (B) "ADVANCED PRACTICE DENTAL HYGIENIST" MEANS AN INDIVIDUAL
3 WHO HOLDS A LICENSE TO PRACTICE ADVANCED PRACTICE DENTAL HYGIENE IN
4 THE STATE.

5 (C) "DELEGATION AGREEMENT" MEANS A DOCUMENT EXECUTED BY A
6 SUPERVISING DENTIST AND AN ADVANCED PRACTICE DENTAL HYGIENIST AND THAT
7 MEETS THE REQUIREMENTS OF § 4-6A-06 OF THIS SUBTITLE.

8 (D) "DIRECT SUPERVISION" MEANS SUPERVISION BY A LICENSED DENTIST
9 WHO IS READILY AVAILABLE AT THE PRACTICE SITE OF AN ADVANCED PRACTICE
10 DENTAL HYGIENIST FOR CONSULTATION OR INTERVENTION.

11 (E) "GENERAL SUPERVISION" MEANS SUPERVISION BY A LICENSED
12 DENTIST WHO MAY OR MAY NOT BE PHYSICALLY PRESENT AT THE PRACTICE SITE OF
13 AN ADVANCED PRACTICE DENTAL HYGIENIST.

14 (F) "PRACTICE ADVANCED PRACTICE DENTAL HYGIENE" MEANS TO
15 PROVIDE ORAL HEALTH CARE SERVICES, INCLUDING PREVENTIVE, ORAL
16 EVALUATION AND ASSESSMENT, EDUCATIONAL, PALLIATIVE, THERAPEUTIC, AND
17 RESTORATIVE SERVICES, AS AUTHORIZED BY A SUPERVISING DENTIST.

18 4-6A-02.

19 THE BOARD SHALL ADOPT:

20 (1) REGULATIONS FOR THE LICENSURE AND PRACTICE OF ADVANCED
21 PRACTICE DENTAL HYGIENE;

22 (2) REGULATIONS ESTABLISHING CRITERIA FOR APPROVING,
23 DISAPPROVING, OR MODIFYING A DELEGATION AGREEMENT SUBMITTED BY A
24 SUPERVISING DENTIST AND AN ADVANCED PRACTICE DENTAL HYGIENIST; AND

25 (3) A CODE OF ETHICS FOR THE PRACTICE OF ADVANCED PRACTICE
26 DENTAL HYGIENE.

27 4-6A-03.

28 (A) THE BOARD SHALL SET REASONABLE FEES FOR:

29 (1) THE ISSUANCE AND RENEWAL OF LICENSES; AND

1 **(2) THE OTHER SERVICES RENDERED BY THE BOARD IN CONNECTION**
2 **WITH ADVANCED PRACTICE DENTAL HYGIENISTS.**

3 **(B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THIS**
4 **SUBTITLE TO THE COMPTROLLER.**

5 **(2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE FUND**
6 **ESTABLISHED UNDER § 4-207 OF THIS TITLE.**

7 **4-6A-04.**

8 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEGINNING**
9 **OCTOBER 1, 2020, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE**
10 **INDIVIDUAL MAY PRACTICE ADVANCED PRACTICE DENTAL HYGIENE IN THE STATE.**

11 **(B) THIS SECTION DOES NOT APPLY TO:**

12 **(1) A STUDENT OF ADVANCED PRACTICE DENTAL HYGIENE WHILE**
13 **ENGAGED IN AN APPROVED EDUCATIONAL PROGRAM IN ADVANCED PRACTICE**
14 **DENTAL HYGIENE; OR**

15 **(2) AN INDIVIDUAL LICENSED TO PRACTICE ADVANCED PRACTICE**
16 **DENTAL HYGIENE IN ANY OTHER STATE OR COUNTRY WHILE THE INDIVIDUAL MAKES**
17 **A CLINICAL DEMONSTRATION BEFORE A DENTAL SOCIETY, A DENTAL CONVENTION,**
18 **OR AN ADVANCED PRACTICE DENTAL HYGIENE CLASS.**

19 **4-6A-05.**

20 **(A) THIS SUBTITLE MAY NOT BE CONSTRUED TO AUTHORIZE AN ADVANCED**
21 **PRACTICE DENTAL HYGIENIST TO PRACTICE INDEPENDENTLY OF A SUPERVISING**
22 **DENTIST.**

23 **(B) A LICENSE ISSUED TO AN ADVANCED PRACTICE DENTAL HYGIENIST**
24 **SHALL LIMIT THE ADVANCED PRACTICE DENTAL HYGIENIST'S SCOPE OF PRACTICE**
25 **TO ACTS:**

26 **(1) APPROPRIATE TO THE EDUCATION, TRAINING, AND EXPERIENCE**
27 **OF THE ADVANCED PRACTICE DENTAL HYGIENIST; AND**

28 **(2) CUSTOMARY TO THE PRACTICE OF THE SUPERVISING DENTIST.**

29 **(C) PATIENT SERVICES THAT MAY BE PROVIDED BY AN ADVANCED**
30 **PRACTICE DENTAL HYGIENIST UNDER THE DIRECT SUPERVISION OF A SUPERVISING**

1 DENTIST INCLUDE:

2 (1) ANY ACTS WITHIN THE SCOPE OF PRACTICE OF A LICENSED
3 DENTAL HYGIENIST;

4 (2) ANY SERVICES AND PROCEDURES INCLUDED IN THE COMMISSION
5 ON DENTAL ACCREDITATION ADVANCED PRACTICE DENTAL HYGIENE STANDARDS;

6 (3) INTERPRETATION OF RADIOGRAPHS;

7 (4) PLACEMENT OF SPACE MAINTAINERS;

8 (5) PULPOTOMIES ON PRIMARY TEETH;

9 (6) AN ORAL EVALUATION AND ASSESSMENT OF DENTAL DISEASE
10 AND THE FORMATION OF AN INDIVIDUALIZED TREATMENT PLAN; AND

11 (7) NONSURGICAL EXTRACTIONS OF ERUPTED, PERIODONTALLY
12 DISEASED PERMANENT TEETH WITH TOOTH MOBILITY OF +3.

13 (D) AN ADVANCED PRACTICE DENTAL HYGIENIST MAY NOT PERFORM ANY
14 DENTAL ACT FOR WHICH:

15 (1) THE INDIVIDUAL HAS NOT BEEN LICENSED; AND

16 (2) THE DENTAL ACTS HAVE NOT BEEN DELEGATED BY A
17 SUPERVISING DENTIST.

18 (E) AN ADVANCED PRACTICE DENTAL HYGIENIST IS THE AGENT OF THE
19 SUPERVISING DENTIST IN THE PERFORMANCE OF ALL PRACTICE-RELATED
20 ACTIVITIES, INCLUDING THE ORAL, WRITTEN, AND ELECTRONIC ORDERING OF
21 DIAGNOSTIC, THERAPEUTIC, AND ANY OTHER DENTAL SERVICES.

22 ~~4-6A-06.~~

23 (A) A DENTIST MAY NOT DELEGATE ACTS TO AN ADVANCED PRACTICE
24 DENTAL HYGIENIST UNLESS THE DENTIST HAS SUBMITTED A DELEGATION
25 AGREEMENT UNDER THIS SECTION AND RECEIVED APPROVAL FROM THE BOARD.

26 (B) THE DELEGATION AGREEMENT SHALL INCLUDE:

27 (1) A DESCRIPTION OF THE QUALIFICATIONS OF THE SUPERVISING
28 DENTIST AND THE ADVANCED PRACTICE DENTAL HYGIENIST;

1 **(2) THE PRACTICE SETTINGS IN WHICH THE ADVANCED PRACTICE**
2 **DENTAL HYGIENIST MAY PROVIDE SERVICES;**

3 **(3) A DESCRIPTION OF THE CONTINUOUS, GENERAL OR DIRECT**
4 **SUPERVISION MECHANISMS THAT ARE REASONABLE AND APPROPRIATE TO THE**
5 **PRACTICE SETTING;**

6 **(4) A DESCRIPTION OF THE DELEGATED DENTAL ACTS THAT ARE**
7 **WITHIN THE SUPERVISING DENTIST'S SCOPE OF PRACTICE AND REQUIRE**
8 **SPECIALIZED EDUCATION OR TRAINING THAT IS CONSISTENT WITH ACCEPTED**
9 **DENTAL PRACTICE;**

10 **(5) AN ATTESTATION THAT ALL DENTAL ACTS TO BE DELEGATED TO**
11 **THE ADVANCED PRACTICE DENTAL HYGIENIST ARE WITHIN THE SCOPE OF**
12 **PRACTICE OF THE SUPERVISING DENTIST AND APPROPRIATE TO THE ADVANCED**
13 **PRACTICE DENTAL HYGIENIST'S EDUCATION, TRAINING, AND LEVEL OF**
14 **COMPETENCE;**

15 **(6) AN ATTESTATION OF CONTINUOUS, GENERAL OR DIRECT**
16 **SUPERVISION OF THE ADVANCED PRACTICE DENTAL HYGIENIST BY THE**
17 **SUPERVISING DENTIST THROUGH THE MECHANISMS DESCRIBED IN THE**
18 **DELEGATION AGREEMENT;**

19 **(7) AN ATTESTATION BY THE SUPERVISING DENTIST OF THE**
20 **SUPERVISING DENTIST'S ACCEPTANCE OF RESPONSIBILITY FOR ANY CARE GIVEN BY**
21 **THE ADVANCED PRACTICE DENTAL HYGIENIST;**

22 **(8) A DESCRIPTION PREPARED BY THE SUPERVISING DENTIST OF THE**
23 **PROCESS BY WHICH THE ADVANCED PRACTICE DENTAL HYGIENIST'S PRACTICE IS**
24 **REVIEWED, APPROPRIATE TO THE PRACTICE SETTING AND CONSISTENT WITH**
25 **CURRENT STANDARDS OF ACCEPTABLE DENTAL PRACTICE;**

26 **(9) AN ATTESTATION BY THE SUPERVISING DENTIST THAT THE**
27 **SUPERVISING DENTIST WILL RESPOND IN A TIMELY MANNER WHEN CONTACTED BY**
28 **THE ADVANCED PRACTICE DENTAL HYGIENIST; AND**

29 **(10) ANY OTHER INFORMATION REQUIRED BY THE BOARD TO CARRY**
30 **OUT THE PROVISIONS OF THIS SUBTITLE.**

31 **(c) (1) THE DELEGATION AGREEMENT SHALL BE SUBMITTED WITH THE**
32 **APPLICATION FEE SET BY THE BOARD.**

1 **(2) THE BOARD SHALL SET THE FEE REQUIRED UNDER THIS SECTION**
2 **SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COST OF REVIEWING AND**
3 **APPROVING DELEGATION AGREEMENTS AND ANY OTHER RELATED SERVICES**
4 **PROVIDED.**

5 **(D) A SUPERVISING DENTIST MAY NOT SUPERVISE MORE THAN SIX**
6 **ADVANCED PRACTICE DENTAL HYGIENISTS AT THE SAME TIME.**

7 **4-6A-07.**

8 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, TO QUALIFY FOR**
9 **A LICENSE, AN APPLICANT MUST BE AN INDIVIDUAL WHO MEETS THE**
10 **REQUIREMENTS OF THIS SECTION.**

11 **(B) THE APPLICANT MUST:**

12 **(1) BE OF GOOD MORAL CHARACTER;**

13 **(2) BE AT LEAST 18 YEARS OLD;**

14 **(3) BE A LICENSED DENTAL HYGIENIST;**

15 **(4) SATISFY THE EDUCATION REQUIREMENTS IN § 4-6A-09 OF THIS**
16 **SUBTITLE; AND**

17 **(5) SATISFY THE EXAMINATION REQUIREMENTS IN § 4-6A-10 OF**
18 **THIS SUBTITLE.**

19 **4-6A-08.**

20 **(A) AN ADVANCED PRACTICE DENTAL HYGIENIST LICENSED IN ANOTHER**
21 **STATE SHALL QUALIFY FOR A LICENSE IN THIS STATE IF THE INDIVIDUAL IS AN**
22 **APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

23 **(B) THE APPLICANT:**

24 **(1) MUST BE OF GOOD MORAL CHARACTER;**

25 **(2) MUST BE AT LEAST 18 YEARS OLD;**

26 **(3) MUST:**

27 **(I) SATISFY THE EDUCATION REQUIREMENTS IN § 4-6A-09 OF**

1 THIS SUBTITLE; OR

2 (II) BE CERTIFIED BY THE INDIAN HEALTH SERVICE OF THE
3 U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, IN ACCORDANCE WITH THE
4 FEDERAL INDIAN HEALTH CARE IMPROVEMENT ACT;

5 (4) MUST SATISFY THE EXAMINATION REQUIREMENTS IN § 4-6A-10
6 OF THIS SUBTITLE; AND

7 (5) MAY NOT:

8 (I) BE UNDER INVESTIGATION BY A DISCIPLINARY AUTHORITY
9 OF ANOTHER STATE OR COUNTRY, OR HAVE CHARGES PENDING AGAINST THE
10 APPLICANT'S LICENSE IN ANOTHER STATE OR COUNTRY; AND

11 (II) HAVE BEEN DISCIPLINED BY A DISCIPLINARY OR
12 LICENSING AUTHORITY OF ANOTHER STATE OR COUNTRY OR CONVICTED OR
13 DISCIPLINED BY A COURT OF ANOTHER STATE OR COUNTRY FOR AN ACT THAT
14 WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER § 4-6A-17 OF THIS
15 SUBTITLE.

16 4-6A-09.

17 TO QUALIFY FOR AN ADVANCED PRACTICE DENTAL HYGIENIST LICENSE, AN
18 APPLICANT MUST SUCCESSFULLY COMPLETE AN ADVANCED PRACTICE DENTAL
19 HYGIENIST EDUCATION PROGRAM THAT:

20 (1) IS ADMINISTERED BY AN INSTITUTION OF HIGHER EDUCATION
21 THAT MEETS THE STANDARDS OF THE COMMISSION ON DENTAL ACCREDITATION;

22 (2) ADDRESSES THE DENTAL CARE NEEDS OF PATIENTS WITH
23 SPECIAL NEEDS, INCLUDING:

24 (I) INDIVIDUALS WHOSE MEDICAL, PHYSICAL,
25 PSYCHOLOGICAL, COGNITIVE, OR SOCIAL SITUATIONS MAKE IT NECESSARY TO
26 CONSIDER A WIDE RANGE OF ASSESSMENT AND CARE OPTIONS TO PROVIDE DENTAL
27 TREATMENT;

28 (II) INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES,
29 COGNITIVE IMPAIRMENT, COMPLEX MEDICAL PROBLEMS, OR SIGNIFICANT
30 PHYSICAL LIMITATIONS; AND

31 (III) THE VULNERABLE ELDERLY; AND

1 **(3) MEETS ANY OTHER REQUIREMENTS FOR ADVANCED PRACTICE**
2 **DENTAL HYGIENE EDUCATION PROGRAMS ADOPTED BY THE BOARD IN**
3 **REGULATION.**

4 **4-6A-10.**

5 **TO QUALIFY FOR AN ADVANCED PRACTICE DENTAL HYGIENIST LICENSE, AN**
6 **APPLICANT MUST PASS A COMPREHENSIVE COMPETENCY-BASED CLINICAL**
7 **EXAMINATION THAT IS:**

8 **(1) APPROVED BY THE BOARD AS MEETING REQUIREMENTS**
9 **ESTABLISHED IN REGULATION; AND**

10 **(2) ADMINISTERED BY:**

11 **(I) A NATIONAL OR REGIONAL TESTING AGENCY; OR**

12 **(II) AN INSTITUTION OF HIGHER EDUCATION WITH AN**
13 **ADVANCED PRACTICE DENTAL HYGIENE PROGRAM.**

14 **4-6A-11.**

15 **(A) TO APPLY FOR A LICENSE, AN APPLICANT SHALL:**

16 **(1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE**
17 **BOARD REQUIRES; AND**

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

19 **(B) THE BOARD SHALL ISSUE A LICENSE TO AN APPLICANT WHO MEETS THE**
20 **REQUIREMENTS OF THIS SUBTITLE.**

21 **4-6A-12.**

22 **A LICENSE AUTHORIZES AN INDIVIDUAL TO PRACTICE AS AN ADVANCED**
23 **PRACTICE DENTAL HYGIENIST IN THE STATE WHILE THE LICENSE IS EFFECTIVE.**

24 **4-6A-13.**

25 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN**
26 **ADVANCED PRACTICE DENTAL HYGIENIST MAY PRACTICE UNDER THE GENERAL**
27 **SUPERVISION OF A DENTIST.**

1 **(B) BEFORE PRACTICING UNDER THE GENERAL SUPERVISION OF A**
2 **SUPERVISING DENTIST, AN ADVANCED PRACTICE DENTAL HYGIENIST SHALL**
3 **PRACTICE UNDER THE DIRECT SUPERVISION OF A DENTIST FOR AT LEAST 500**
4 **HOURS.**

5 **4-6A-14.**

6 **(A) (1) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE**
7 **LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.**

8 **(2) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2**
9 **YEARS.**

10 **(B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL**
11 **SEND TO THE LICENSED ADVANCED PRACTICE DENTAL HYGIENIST A RENEWAL**
12 **NOTICE THAT STATES:**

13 **(1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;**

14 **(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE**
15 **RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND SENT BEFORE THE**
16 **LICENSE EXPIRES; AND**

17 **(3) THE AMOUNT OF THE RENEWAL FEE.**

18 **(C) BEFORE A LICENSE EXPIRES, THE LICENSED ADVANCED PRACTICE**
19 **DENTAL HYGIENIST PERIODICALLY MAY RENEW THE LICENSE FOR AN ADDITIONAL**
20 **TERM IF THE LICENSEE:**

21 **(1) OTHERWISE IS ENTITLED TO BE LICENSED;**

22 **(2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND**

23 **(3) SUBMITS TO THE BOARD:**

24 **(I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD**
25 **REQUIRES; AND**

26 **(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE**
27 **CONTINUING EDUCATION REQUIREMENT ESTABLISHED UNDER THIS SECTION FOR**
28 **LICENSE RENEWAL.**

1 (D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS
2 ESTABLISHED BY THE BOARD, THE BOARD SHALL ESTABLISH CONTINUING
3 EDUCATION AS A CONDITION OF THE RENEWAL OF A LICENSE UNDER THIS SECTION.

4 (E) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO
5 MEETS THE REQUIREMENTS OF THIS SECTION.

6 (F) THE BOARD SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL WHO
7 HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE INDIVIDUAL:

8 (1) APPLIES FOR REINSTATEMENT AFTER THE DATE THE LICENSE
9 EXPIRES;

10 (2) MEETS THE RENEWAL REQUIREMENTS OF THIS SECTION; AND

11 (3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE
12 BOARD.

13 4-6A-15.

14 A LICENSED ADVANCED PRACTICE DENTAL HYGIENIST SHALL NOTIFY THE
15 BOARD IN WRITING OF A CHANGE IN NAME OR ADDRESS WITHIN 60 DAYS AFTER THE
16 CHANGE.

17 4-6A-16.

18 UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE, A
19 LICENSED ADVANCED PRACTICE DENTAL HYGIENIST MAY NOT SURRENDER THE
20 LICENSE AND THE LICENSE MAY NOT LAPSE BY OPERATION OF LAW WHILE THE
21 LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST
22 THE LICENSEE.

23 4-6A-17.

24 SUBJECT TO THE HEARING PROVISIONS OF § 4-6A-19 OF THIS SUBTITLE, THE
25 BOARD MAY DENY A LICENSE TO AN APPLICANT, FINE A LICENSEE, REPRIMAND A
26 LICENSEE, PLACE A LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE,
27 IF THE APPLICANT OR LICENSEE:

28 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
29 OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

30 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

1 **(3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN THE**
2 **PRACTICE OF ADVANCED PRACTICE DENTAL HYGIENE;**

3 **(4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;**

4 **(5) ABANDONS A PATIENT;**

5 **(6) IS HABITUALLY INTOXICATED;**

6 **(7) IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR**
7 **CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL**
8 **LAW ARTICLE;**

9 **(8) PROVIDES PROFESSIONAL SERVICES WHILE:**

10 **(I) UNDER THE INFLUENCE OF ALCOHOL; OR**

11 **(II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS**
12 **SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR ANY**
13 **OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID**
14 **MEDICAL INDICATION;**

15 **(9) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES,**
16 **APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR**
17 **FINANCIAL GAIN;**

18 **(10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE**
19 **PRACTICE OF ADVANCED PRACTICE DENTAL HYGIENE;**

20 **(11) WILLFULLY FAILS TO FILE OR RECORD A REPORT AS REQUIRED**
21 **UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF A**
22 **REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD A REPORT;**

23 **(12) BREACHES PATIENT CONFIDENTIALITY;**

24 **(13) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF**
25 **REMUNERATION OR MATERIAL BENEFIT TO ANY PERSON FOR BRINGING OR**
26 **REFERRING A PATIENT, OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY FORM**
27 **OF REMUNERATION OR MATERIAL BENEFIT FROM A PERSON FOR BRINGING OR**
28 **REFERRING A PATIENT;**

29 **(14) KNOWINGLY MAKES A MISREPRESENTATION WHILE PRACTICING**

1 **ADVANCED PRACTICE DENTAL HYGIENE;**

2 **(15) KNOWINGLY PRACTICES ADVANCED PRACTICE DENTAL HYGIENE**
3 **WITH AN UNAUTHORIZED INDIVIDUAL OR AIDS AN UNAUTHORIZED INDIVIDUAL IN**
4 **THE PRACTICE OF ADVANCED PRACTICE DENTAL HYGIENE;**

5 **(16) KNOWINGLY DELEGATES AN ADVANCED PRACTICE DENTAL**
6 **HYGIENE DUTY TO AN UNLICENSED INDIVIDUAL;**

7 **(17) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY, IS**
8 **CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY, OR IS**
9 **DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR**
10 **THE U.S. DEPARTMENT OF VETERANS AFFAIRS FOR AN ACT THAT WOULD BE**
11 **GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY**
12 **STATUTES;**

13 **(18) FAILS TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF**
14 **ADVANCED PRACTICE DENTAL HYGIENE SERVICES;**

15 **(19) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR**
16 **WHICH SERVICES ARE NOT PROVIDED;**

17 **(20) (I) HAS BEEN SUBJECT TO INVESTIGATION OR DISCIPLINARY**
18 **ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY**
19 **STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY**
20 **ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND**

21 **(II) HAS:**

22 **1. SURRENDERED THE LICENSE, IF ANY, ISSUED BY THE**
23 **STATE OR COUNTRY; OR**

24 **2. ALLOWED THE LICENSE, IF ANY, ISSUED BY THE**
25 **STATE OR COUNTRY TO EXPIRE OR LAPSE;**

26 **(21) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO**
27 **A FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER ANY APPEAL**
28 **OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE;**
29 **OR**

30 **(22) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION OF THE**
31 **BOARD.**

1 **4-6A-18.**

2 (A) IF, AFTER A HEARING UNDER § 4-6A-19 OF THIS SUBTITLE, THE BOARD
3 FINDS THAT THERE ARE GROUNDS UNDER § 4-6A-17 OF THIS SUBTITLE TO
4 REPRIMAND A LICENSEE, PLACE A LICENSEE ON PROBATION, OR SUSPEND OR
5 REVOKE A LICENSE, THE BOARD MAY IMPOSE A FINE ON THE LICENSEE IN AN
6 AMOUNT NOT EXCEEDING \$5,000:

7 (1) INSTEAD OF REPRIMANDING THE LICENSEE, PLACING THE
8 LICENSEE ON PROBATION, OR SUSPENDING OR REVOKING THE ADVANCED
9 PRACTICE DENTAL HYGIENIST'S LICENSE; OR

10 (2) IN ADDITION TO REPRIMANDING THE LICENSEE, PLACING THE
11 LICENSEE ON PROBATION, OR SUSPENDING OR REVOKING THE ADVANCED
12 PRACTICE DENTAL HYGIENIST'S LICENSE.

13 (B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE
14 IMPOSITION OF FINES UNDER THIS SECTION.

15 (C) THE BOARD SHALL PAY ANY FINE COLLECTED UNDER THIS SECTION
16 INTO THE GENERAL FUND OF THE STATE.

17 **4-6A-19.**

18 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE
19 PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 4-6A-17 OF
20 THIS SUBTITLE, THE BOARD SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE
21 ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

22 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
23 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

24 (C) IN ACCORDANCE WITH THE STATE BUDGET, THE BOARD MAY
25 AUTHORIZE PAYMENT OF FEES AND TRAVEL EXPENSES OF WITNESSES WHO TESTIFY
26 IN A PROCEEDING UNDER THIS SECTION.

27 (D) THE INDIVIDUAL MAY BE REPRESENTED BY COUNSEL AT THE HEARING.

28 (E) THE BOARD MAY ADMINISTER OATHS AND TAKE DEPOSITIONS OF
29 WITNESSES IN ANY PROCEEDING UNDER THIS SECTION.

30 (F) (1) OVER THE SIGNATURE OF AN OFFICER OR THE EXECUTIVE
31 DIRECTOR OF THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER

1 OATHS IN CONNECTION WITH ANY INVESTIGATION UNDER THIS SUBTITLE AND ANY
2 HEARINGS OR PROCEEDINGS BEFORE THE BOARD.

3 (2) THE BOARD SHALL ISSUE SUBPOENAS ON BEHALF OF THE
4 INDIVIDUAL IF THE INDIVIDUAL REQUESTS IN WRITING THAT THE BOARD DO SO.

5 (3) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A SUBPOENA
6 FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH OR TO TESTIFY
7 OR ANSWER A QUESTION, THEN, ON PETITION OF THE BOARD, A COURT OF
8 COMPETENT JURISDICTION MAY PUNISH THE PERSON FOR CONTEMPT OF COURT.

9 (G) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS
10 CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD MAY
11 HEAR AND DETERMINE THE MATTER.

12 (H) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF §
13 4-6A-17 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE
14 HEARING AS SPECIFIED IN A REGULATION ADOPTED BY THE BOARD.

15 4-6A-20.

16 ANY INDIVIDUAL AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER §
17 4-6A-17 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY BUT MAY TAKE A
18 DIRECT JUDICIAL APPEAL AS PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT.

19 4-6A-21.

20 IF A LICENSE HAS BEEN SUSPENDED OR REVOKED UNDER § 4-6A-17 OF THIS
21 SUBTITLE, THE BOARD MAY REINSTATE THE LICENSE ONLY IN ACCORDANCE WITH:

22 (1) THE TERMS AND CONDITIONS OF THE ORDER OF SUSPENSION OR
23 REVOCATION; OR

24 (2) AN ORDER OF REINSTATEMENT ISSUED BY THE BOARD.

25 4-6A-22.

26 AN INDIVIDUAL MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO
27 PRACTICE ADVANCED PRACTICE DENTAL HYGIENE IN THE STATE WHILE
28 REPRESENTING ONESELF TO BE AN ADVANCED PRACTICE DENTAL HYGIENIST
29 UNLESS LICENSED BY THE BOARD.

30 4-6A-23.

1 **AN INDIVIDUAL WHO VIOLATES § 4-6A-22 OF THIS SUBTITLE IS GUILTY OF A**
2 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000**
3 **OR IMPRISONMENT NOT EXCEEDING 2 YEARS.**

4 **4-6A-24.**

5 **THIS SUBTITLE MAY BE CITED AS THE MARYLAND ADVANCED PRACTICE**
6 **DENTAL HYGIENISTS ACT.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2021,
8 and annually thereafter for the immediately following 5 years, the State Board of Dental
9 Examiners shall report to the Governor and, in accordance with § 2-1246 of the State
10 Government Article, the Senate Education, Health, and Environmental Affairs Committee
11 and the House Health and Government Operations Committee on the implementation of
12 this Act, including:

13 (1) the number of advanced practice dental hygienists licensed;

14 (2) the number of delegation agreements submitted for approval, approved,
15 modified, and disapproved; and

16 (3) for the delegation agreements modified or disapproved, the reason for
17 the modification or disapproval.

18 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General
19 Assembly that the Governor provide funds in the fiscal year 2020 and fiscal year 2021
20 budgets at a level sufficient to allow the State Board of Dental Examiners to begin licensing
21 advanced practice dental hygienists and that, when special funds become available for the
22 regulation of advanced practice dental hygienists, the special funds be used to reimburse
23 the General Fund of the State for the cost of beginning the licensing process.

24 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2018.