

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 44 BOARD OF DENTAL EXAMINERS

Chapter 19 Dental Radiation Technologist

Authority: Health Occupations Article, §§1-212 and 4-505, Annotated Code of Maryland

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the Maryland Board of Dental Examiners.

(2) "Dental radiation technologist" means an individual other than a licensed dentist or a licensed dental hygienist who practices dental radiation technology.

(3) "Direct supervision" means that the supervising dentist is in the dental office and personally:

(a) Diagnoses the condition to be treated:

(b) Authorizes the placement or exposure of dental radiographs; and

(c) Before dismissal of the patient, evaluates the performance of the dental radiation technologists.

(4) "Licensed dental hygienist" means an individual licensed by the Board to practice dental hygiene.

(5) "Licensed dentist" means an individual licensed by the Board to practice dentistry.

(6) "Practice of dental radiation technology" means the placement or exposure of dental radiographs by an individual other than a licensed dentist, a licensed dental hygienist, an individual permitted to practice dentistry without a license under Health Occupations Article, §4-301(b)(1), (2), or (3), Annotated Code of Maryland, or an individual enrolled in an educational program recognized by the Board for dental hygiene or dental assisting, who places or exposes dental radiographs pursuant to the educational program.

.02 Certification Required.

An individual shall be currently certified by the Board as a dental radiation technologist before the individual may practice dental radiation technology on a human being in this State.

.03 Qualifications.

A. Except as otherwise provided in these regulations, to qualify to be certified as a dental radiation technologist, an applicant shall be an individual who:

(1) Is 18 years old or older;

(2) Is of good moral character;

- (3) Holds a high school degree or the equivalent;
 - (4) Satisfactorily completes the Board-approved educational requirements established by the Maryland State Dental Association or the Maryland Dental Society;
 - (5) Successfully completes a Board-approved course of at least 24 hours related to Maryland dental radiology; and
 - (6) Passes an examination administered or approved by the Board for qualifying to place and expose radiographs; and
 - (7) Meets any requirements established by the American Dental Association or any applicable federal standards for training and certification as a dental radiation technologist.
- B. An individual holding an active license or certification to practice dental radiation technology in another state may be granted certification in Maryland if the individual:
- (1) Has engaged in practicing dental radiation technology for at least 150 hours in the 3 years preceding application for certification in Maryland; and
 - (2) Meets any requirements established by the American Dental Association or any applicable federal standards for training and certification as a dental radiation technologist.

.04 Certification.

Except as otherwise provided in these regulations, the Board shall certify as a dental radiation technologist an individual who:

- A. Meets the qualifications for certification;
- B. Applies for certification on a form provided by the Board; and
- C. Pays a fee to the Board as set forth in COMAR 10.44.20.

.05 Term and Renewal of Certification.

A. Except as provided in Regulation .06 of this chapter, a certification as a dental radiation technologist expires on the second anniversary of the issuance of the certification unless it is renewed for an additional 2-year term as provided in this regulation.

B. At least 2 months before a certification as a dental radiation technologist expires, the Board shall send, by first-class mail to the last known address of the individual so certified, a renewal notice that states the:

- (1) Date on which the current certification expires;
- (2) Date by which the renewal application has to be received by the Board for the renewal to be issued and mailed before the certification expires; and
- (3) Amount of the renewal fee.

C. Before a certification as a dental radiation technologist expires, the individual so certified periodically may renew the certification for an additional 2 years if the individual:

- (1) Applies for renewal of the certification on a form provided by the Board;
- (2) Pays to the Board a fee as set forth in COMAR 10.44.20; and
- (3) Meets one of the following requirements:
 - (a) Has actively practiced dental radiation technology for at least 600 hours within the 6 years before the expiration of the certification; or
 - (b) If the applicant has not actively practiced dental radiation technology in accordance with §C(3)(a) of this regulation, provides to the Board evidence satisfactory

to the Board that the individual has completed 8 classroom hours of dental continuing education, 4 hours of which shall be on the subject of radiation safety within the 1-year period preceding renewal.

D. In addition to the requirements of §C of this regulation, a dental radiation technologist seeking renewal of a certificate in 2011 or thereafter shall complete a 2-hour Board-approved course on infection control.

E. After the expiration date of a certificate to practice dental radiation technology in the State, the certificate holder may renew the certificate within 30 days of its expiration if the certificate holder:

- (1) Is otherwise entitled to be issued a certificate;
- (2) Complies with the requirements of §§C(3) and D of this regulation;
- (3) Submits to the Board a completed renewal application on the form provided by the Board; and
- (4) Pays to the Board the renewal fee and the late renewal fee as specified in COMAR 10.44.20.

F. Certification After April 1.

(1) A certificate holder who has failed to renew a certificate to practice dental radiation technology in this State by April 1 of the year in which the certificate is due for renewal is prohibited from practicing dental radiation technology in this State after the expiration date of the certificate.

(2) If the Board determines that a dental radiation technologist has practiced dental radiation technology in this State after the certificate has expired, the Board may order the dental radiation technologist to immediately cease and desist the practice of dental radiation technology in this State until the dental radiation technologist's certificate has been reinstated by the Board.

(3) The Board may take action against a dental radiation technologist for unprofessional conduct if the Board determines that the dental radiation technologist has practiced dental radiation technology in this State after the dental radiation technologist's certificate has expired. The Board may impose an administrative penalty through a nonpublic consent agreement in which the dental radiation technologist agrees to:

(a) Make an anonymous donation of \$100 to a charitable institution; and

(b) Perform:

(i) 10 hours of Board-approved pro bono community service; or

(ii) 10 hours of Board-approved pro bono dental services which the

applicant may lawfully perform.

G. Notwithstanding the provisions of §E of this regulation, the Board may charge the dental radiation technologist with unprofessional conduct as provided in Regulation .12 of this chapter.

.06 One-Time Transitional Renewal for Even-Numbered Certificate Holders.

A. A dental radiation technologist scheduled to renew a dental radiation technologist certificate on or before March 1, 2017, whose dental radiation technologist certificate number ends with an even number (0, 2, 4, 6, or 8) shall submit 1/2 of the renewal fee as specified in COMAR 10.44.20 for a 1-year certificate which shall expire on March 1, 2018, and thereafter, if renewed, shall expire biennially.

B. The 1-year certificate referred to in §A of this regulation shall be issued one time so that the Board may transition to a staggered certification renewal program for dental radiation technologists.

C. A dental radiation technologist with an even-numbered certificate who has completed the required 2-hour Board-approved course on infection control as a condition of 2017 certificate renewal is not required to complete the course for the 2018 certificate renewal, but will thereafter be required to complete the course.

D. A dental radiation technologist whose dental radiation technologist certificate number ends with an even number (0, 2, 4, 6, or 8) may not be required to demonstrate proof of active practice or continuing education as required under Regulation .05C(3) of this chapter as a condition of 2017 certificate renewal, but will thereafter be subject to that requirement.

.07 Reinstatement.

An individual holding an expired certification to practice dental radiation technology may apply for reinstatement if the individual:

A. Completes a dental radiation technology reinstatement application;

B. Provides proof of 10 hours of dental continuing education from Board-approved courses of which:

(1) 4 hours shall be in radiology; and

(2) 2 hours shall be in infection control; and

C. Pays to the Board a certification reinstatement fee as set forth in COMAR 10.44.20.

.08 Prohibitions.

A. An individual may not practice dental radiation technology on a human being in this State unless the individual is certified by the Board as a dental radiation technologist.

B. An individual shall be certified by the Board as a dental radiation technologist before a licensed dentist may employ the individual to practice dental radiation technology.

.09 Title.

A certified dental radiation technologist may be referred to as a dental assistant certified to practice dental radiation technology.

.10 Supervision.

A certified dental radiation technologist shall perform the duties of a dental radiation technologist under the direct supervision of a licensed dentist.

.11 Display of Certificate.

Each holder of a certificate to practice dental radiation technology shall display the certificate conspicuously in the office where the holder is engaged in practice.

.12 Penalties for Violations of These Regulations.

A. Subject to the hearing provisions of this chapter, the Board may deny a certificate to practice dental radiation technology, reprimand any certified dental radiation technologist, place any certified dental radiation technologist on probation, or suspend or revoke the certificate of any certified dental radiation technologist, if the holder of the certificate:

- (1) Practices dental radiation technology in an incompetent manner;
- (2) Fails to conform to generally accepted standards in the practice of radiation technology;
- (3) Fraudulently or deceptively obtains or attempts to obtain a certificate for the applicant or for another;
- (4) Fraudulently or deceptively uses a certificate;
- (5) Is disciplined by a disciplinary authority of any other state or jurisdiction or is convicted or disciplined by a court in any other state or jurisdiction for an act that would be grounds for disciplinary action under this regulation;
- (6) Violates any rule or regulation adopted by the Board;
- (7) Is convicted of or pleads guilty or nolo contendere to a felony or a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (8) Provides professional services while under the influence of alcohol or any controlled dangerous substance or drug in excess of therapeutic amounts;
- (9) Willfully makes or files a false report or record or fails to file a report or record in the practice of dental radiation technology or willfully induces another to file a false report;
- (10) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the certified individual is qualified to render because the individual is HIV positive;
- (11) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with the Center for Disease Control's guidelines on universal precautions;
- (12) Fails to comply with a Board order;
- (13) Is mentally or physically incompetent to practice dental radiation technology;
- (14) Engages in sexual misconduct as set forth in COMAR 10.44.23; or
- (15) Behaves dishonorably or unprofessionally.

B. An individual who practices dental radiation technology without being certified under these regulations is guilty of practicing dentistry without a license, a misdemeanor which, upon conviction, may result in:

(1) For a first offense, a fine not exceeding \$2,000 or imprisonment in jail not exceeding 6 months; or

(2) For a subsequent offense, a fine not exceeding \$6,000 or imprisonment in the State penitentiary not exceeding 1 year.

C. A licensed dentist who employs an individual to practice dental radiation technology who is not certified under these regulations is guilty of unprofessional conduct and may be subject to disciplinary action under Health Occupations Article, §4-315, Annotated Code of Maryland.

D. A licensed dentist who supervises an individual practicing dental radiation technology who is not certified under these regulations is guilty of permitting an unauthorized individual to practice dentistry under the supervision of that licensed dentist, and may be subject to disciplinary action under Health Occupations Article, §4-315, Annotated Code of Maryland.

Administrative History

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