

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of Art. 32, § 26(a).

The powers of and limitations on the Board to adopt rules and regulations authorizing additional intraoral acts by a licensed dental hygienist are set forth in a separate section for emphasis. For other provisions relating to the power of the Board to adopt rules and regulations, see § 4-205 of this subtitle.

See also the definition of "practice dental hygiene" in § 4-101 of this title, which lists intraoral acts included in the practice of dental hygiene.

The Commission to Revise the Annotated Code calls the attention of the General Assembly to subsection (b)(4) and (6) of this section. Subsection (b)(4) of this section is extremely vague, and, therefore, is difficult for the Board to apply. Subsection (b)(6) of this section seemingly precludes the Board from authorizing a licensed dental hygienist to perform any anesthesia. However, the Board has published a regulation authorizing "topical anesthetic application" by a licensed dental hygienist. See COMAR 10.44.04.03.

4-207. ESTABLISHMENT OF FEES; DISPOSITION OF FUNDS.

(A) ESTABLISHMENT OF FEES.

EXCEPT FOR THE FEES SPECIFICALLY SET BY THIS TITLE, THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND ITS OTHER SERVICES.

(B) DISPOSITION OF FUNDS.

THE BOARD SHALL PAY ALL FUNDS COLLECTED UNDER THIS TITLE INTO THE GENERAL FUND OF THIS STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 32, § 9.

Subsection (a) of this section is new language added to clarify the authority of the Board -- under its broad rulemaking power -- to set reasonable fees for the services for which a fee is not specified in the present law. Although there are numerous provisions in present Art. 32 that relate to setting fees for various particular services, these provisions should not be read to preclude the Board from imposing fees in other appropriate instances. See, e.g.,