

## Article - Health Occupations

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§4–315.

(a) Subject to the hearing provisions of § 4–318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

(2) Fraudulently or deceptively uses a license;

(3) Obtains a fee by fraud or attempts to obtain a fee by fraud;

(4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(5) Provides professional services while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(6) Practices dentistry in a professionally incompetent manner or in a grossly incompetent manner;

(7) Has had a license to practice dentistry revoked or suspended in any other state;

(8) Uses another person as an in–person solicitor of business;

(9) Practices or offers to practice dentistry under a name other than that on the license;

(10) Uses in connection with the practice of dentistry a business entity name or a trade name that is not authorized by law;

(11) Permits an unauthorized individual to practice dentistry under the supervision of the applicant or licensee;

(12) Permits a dental hygienist to practice dental hygiene:

- (i) In an unauthorized place; or
  - (ii) Without being supervised by a licensed dentist as required by § 4–308 of this subtitle;
- (13) Violates any restriction on advertising in § 4–503 of this title;
  - (14) Suggests, requests, or in any way directs that a patient appear at a dental laboratory;
  - (15) Violates any provision in Subtitle 4 of this title, which relates to work authorizations for dental laboratory work;
  - (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession;
  - (17) Is mentally or physically incompetent to practice dentistry;
  - (18) Demonstrates a course of conduct of providing dental care that is inconsistent with generally accepted professional standards of care in the practice of dentistry, regardless of whether actual injury to the patient occurs;
  - (19) Provides a dental service in a manner that is significantly inconsistent with generally accepted professional standards of care in the practice of dentistry, regardless of whether actual injury to the patient occurs;
  - (20) Violates any rule or regulation adopted by the Board;
  - (21) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board’s disciplinary statutes;
  - (22) Willfully makes or files a false report or record in the practice of dentistry;
  - (23) Willfully fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;
  - (24) Knowingly submits to a third party any claim form, bill, or statement which contains any misleading, deceptive, false, incomplete, or fraudulent representation asserting a fee which is greater than the fee that the dentist usually accepts as payment in full for any given dental appliance, procedure, or service;
  - (25) Abrogates or forgives the copayment provisions of any insurance policy, insurance contract, health prepayment contract, health care plan, or nonprofit health service plan contract by accepting the payment received from a third party as full payment, unless the dentist discloses to the third party that the patient’s payment

portion will not be collected;

(26) Uses or promotes or causes the use of any misleading, deceiving, or untruthful advertising matter, promotional literature, or testimonial;

(27) (i) Except as provided in subparagraph (ii) of this paragraph, divides a fee with another dentist if the division is not in proportion to the services performed and the responsibility assumed by each dentist;

(ii) A dentist may divide a fee with another dentist who is a partner or an associate in the same dental practice if dividing the fee does not increase the fee for the service charged to the patient;

(28) Fails to comply with the provisions of § 12–102 of this article;

(29) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive;

(30) Except in an emergency life–threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control and Prevention’s guidelines on universal precautions;

(31) Fails to display the notice required under § 4–313(d) of this subtitle;

(32) Fails to begin to fulfill a public service requirement within 1 year of when the assignment is to begin that was a condition of the applicant or licensee receiving State or federal loans or scholarships for the applicant’s or licensee’s dental education;

(33) Fails to comply with any Board order; or

(34) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board.

(b) Subject to the hearing provisions of § 4–318 of this subtitle, the Board may deny a general license to practice dental hygiene, a teacher’s license to practice dental hygiene, or a temporary license to practice dental hygiene to any applicant, reprimand any licensed dental hygienist, place any licensed dental hygienist on probation, or suspend or revoke the license of any licensed dental hygienist, if the applicant or licensee:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

(2) Fraudulently or deceptively uses a license;

(3) Behaves unprofessionally or in a grossly immoral way, or violates a

professional code of ethics pertaining to the dental hygiene profession;

(4) Practices dental hygiene in an unauthorized place;

(5) Practices dental hygiene in a professionally incompetent manner or in a grossly incompetent manner;

(6) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(7) Performs intraoral functions not authorized by statute or the rules and regulations of the Board;

(8) Violates the requirements of § 4–313 of this subtitle that relate to display of licenses and renewal certificates;

(9) Violates any rule or regulation adopted by the Board;

(10) Is mentally or physically incompetent to practice dental hygiene;

(11) Demonstrates a course of conduct of providing dental hygiene care that is inconsistent with generally accepted professional standards of care in the practice of dental hygiene, regardless of whether actual injury to the patient occurs;

(12) Provides a dental hygiene service in a manner that is significantly inconsistent with generally accepted professional standards of care in the practice of dental hygiene, regardless of whether actual injury to the patient occurs;

(13) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(14) Provides professional services while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(15) Willfully makes or files a false report or record in the practice of dental hygiene;

(16) Willfully fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;

(17) Refuses, withholds from, denies, or discriminates against an individual

with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive;

(18) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control and Prevention's guidelines on universal precautions;

(19) Fails to comply with any Board order; or

(20) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board.

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