

HOUSE BILL 652

J2
HB 1022/17 – HGO

8lr1913

By: **Delegates West, Angel, Hill, Metzgar, Miele, Morgan, Morhaim, Pena–Melnyk,
and Sample–Hughes**

Introduced and read first time: January 29, 2018

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2018

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Violations of the Maryland Dentistry Act – Penalties and**
3 **Cease and Desist Orders**

4 FOR the purpose of authorizing the State Board of Dental Examiners to issue a cease and
5 desist order for certain violations; ~~establishing certain penalties for a person who~~
6 ~~aids or abets a person who practices or attempts to practice dentistry without a~~
7 ~~license~~; altering certain penalties for certain acts related to the unauthorized
8 practice of dentistry or dental hygiene; authorizing the Board to levy certain civil
9 fines for certain violations; altering certain penalties for violating certain provisions
10 of law related to dental laboratory work or advertising a dental appliance; providing
11 for the application of certain provisions of this Act; repealing certain provisions of
12 law that specify certain places of imprisonment; providing for a delayed effective
13 date; and generally relating to cease and desist orders and penalties for violations of
14 the Maryland Dentistry Act.

15 BY adding to
16 Article – Health Occupations
17 Section 4–321
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2017 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Health Occupations
22 Section 4–606

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2014 Replacement Volume and 2017 Supplement)

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

5 **Article – Health Occupations**

6 **4–321.**

7 **IN ADDITION TO ANY OTHER PENALTIES OR DISCIPLINARY ACTIONS**
8 **AUTHORIZED UNDER THIS TITLE, THE BOARD MAY ISSUE A CEASE AND DESIST**
9 **ORDER FOR CONDUCT THAT:**

10 **(1) IS IN VIOLATION OF § 4–601 OR § 4–602 OF THIS TITLE; OR**

11 **(2) VIOLATES ANY PROHIBITION IN SUBTITLE 4 OF THIS TITLE THAT**
12 **RELATES TO DENTAL LABORATORY WORK.**

13 4–606.

14 **(a) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
15 **SUBSECTION, A person who practices or attempts to practice dentistry without a license**
16 **in violation of § 4–601(a) of this subtitle, ~~AIDS OR ABETS A PERSON WHO PRACTICES OR~~**
17 **~~ATTEMPTS TO PRACTICE DENTISTRY WITHOUT A LICENSE IN VIOLATION OF §~~**
18 **~~4–601(A) OF THIS SUBTITLE,~~ or represents to the public in violation of § 4–602 of this**
19 **subtitle that the person is authorized to practice dentistry is [guilty]:**

20 **(I) GUILTY** of a misdemeanor and on conviction is subject to:

21 **[(1)] 1.** For a first offense, a fine not exceeding **[\$2,000] \$5,000** or
22 imprisonment **[in jail] not exceeding [6 months] 1 YEAR;** or

23 **[(2)] 2.** For a subsequent offense, a fine not exceeding **[\$6,000] \$20,000**
24 **PER DAY** or imprisonment **[in the State penitentiary] not exceeding [1 year] 5 YEARS; AND**

25 **(II) SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO**
26 **BE LEVIED BY THE BOARD.**

27 **(2) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO**
28 **PRACTICES OR ATTEMPTS TO PRACTICE DENTISTRY WITHOUT A LICENSE IF THE**
29 **PERSON’S LICENSE HAS BEEN EXPIRED FOR A PERIOD OF NOT MORE THAN 6**
30 **MONTHS.**

1 (b) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
 2 **SUBSECTION, A** person who practices or attempts to practice dental hygiene without a
 3 license in violation of § 4–601(a) of this subtitle, aids or abets unauthorized practice of
 4 dental hygiene in violation of § 4–601(b) of this subtitle, or represents to the public in
 5 violation of § 4–602 of this subtitle that the person is authorized to practice dental hygiene
 6 is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

7 **(2) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO**
 8 **PRACTICES OR ATTEMPTS TO PRACTICE DENTAL HYGIENE WITHOUT A LICENSE IF**
 9 **THE PERSON’S LICENSE HAS BEEN EXPIRED FOR A PERIOD OF NOT MORE THAN 6**
 10 **MONTHS.**

11 (c) A person who violates any provision of Subtitle 4 of this title, which relates to
 12 dental laboratory work, or who advertises a dental appliance in violation of § 4–503(c) of
 13 this title is guilty of a ~~mis~~misdemeanor ~~FELONY~~ and on conviction is subject to a fine not
 14 exceeding \$2,000 **PER DAY** or imprisonment ~~[in jail]~~ not exceeding ~~[6 months]~~ **2 YEARS.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 16 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.