

**CHRIS WEST**  
*Legislative District 42*  
Baltimore County

Judicial Proceedings Committee

Vice Chair, Baltimore County  
Senate Delegation



**THE SENATE OF MARYLAND**  
ANNAPOLIS, MARYLAND 21401

*Annapolis Office*  
James Senate Office Building  
11 Bladen Street, Room 303  
Annapolis, Maryland 21401  
410-841-3648 · 301-858-3648  
800-492-7122 Ext. 3648  
Chris.West@senate.state.md.us

*District Office*  
1134 York Road, Suite 200  
Lutherville -Timonium, MD 21093  
410-823-7087

January 30, 2019

Senate Education, Health, and Environment Committee  
The Honorable Paul Pinsky  
2 West Miller Senate Building  
Annapolis, Maryland 21401-1991

**RE: SB 174 - State Board of Dental Examiners - Practice of Dentistry - Revisions**

Dear Chairman Pinsky and Members of the Committee:

Just as Maryland law provides that only lawyers admitted to practice law in Maryland can own and operate a law firm in Maryland, Title 4 of the Health Occupations Article states that only licensed dentists can practice dentistry in Maryland.

Unfortunately, for many decades, the term “practice dentistry” has been ambiguously defined in the Maryland Code in a way that does not clearly delineate the difference between practicing dentistry on the one hand and providing ancillary services to a dental practice on the other hand. In recent years, organizations known as Dental Service Organizations have come into Maryland and entered into contracts with licensed Maryland dentists to perform ancillary services to dental practices. In some cases, the DSO’s have crossed the lines and made decisions that dentists feel should be reserved for licensed dentists.

There is a general consensus that we should not want non-dentists to be in a position to tell Maryland dentists how to practice dentistry, which dental services their dentist employees may not perform because they are not very profitable, and which other dental services their dentist employees should try to sell to their patients because they are very profitable. The entire problem stems from the fact that the existing definition of “practice dentistry” in the Maryland Code has not been updated in many decades and is out of date.

Senate Bill 174 revises and expands the definitions of the term “practice dentistry” in such a way as to effectively spell out what falls within the province of the practice of dentistry and, on the other hand, what a DSO can do and what it can’t do.

You will see that Section 4-103(e) of the bill (found on pages 4 and 5) goes on at great length about what DSOs are permitted to do in Maryland: They can own and lease real property and equipment that are used in the dental practice. They can handle all of the bookkeeping and accounting. They can provide all normal and customary human resource functions, including

hiring, supervising and firing non-professional office staff. They can handle the dentist practice's IT, manage the patient records and deal with all risk management issues.

The committee has heard versions of this bill in each of the past several sessions of the General Assembly. Last year, this bill was favorably reported to the floor of the Senate by the Committee, and after a vigorous debate on the Senate floor, it passed the Senate in a narrow vote. The Chair of the Health and Government Operations Committee in the House then announced that she intended to hold the bill over for summer study. At that point, the Executive Director of the National Association of DSOs got involved and suggested that negotiations should ensue. That forthright offer met with a positive reaction from this State's dentists, and after a period of intensive negotiations, the bill was produced.

Senate Bill 174 therefore is the end result of lengthy negotiations. I think it is fair to say that every single word in the bill was carefully considered, and many of the words were the subject of active negotiations. I urge the committee to resist the temptations to fine tune the bill lest the delicate balance agreed to by the partners be inadvertently impaired.