



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

Maryland State Board of Dental Examiners

Spring Grove Hospital Center • Benjamin Rush Building
55 Wade Avenue/Tulip Drive • Catonsville, MD 21228
Main Line: 410-402-8501 • health.maryland.gov/dental

2020 SESSION

POSITION PAPER

BILL NO: HB 471

COMMITTEE: Health and Government Operations

POSITION: Support with Amendments

TITLE: State Board of Dental Examiners – Dental Specialization – Requirements

BILL ANALYSIS: The bill removes the American Dental Association as the entity whose requirements regarding specialties a licensed dentist must meet in order to be recognized by the State Dental Board as a specialist, and substitutes the National Commission on Recognition of Dental Specialties and Certifying Boards in its place.

POSITION AND RATIONALE: The Dental Board supports HB 471 with amendments. The bill recognizes the National Commission on Recognition of Dental Specialties and Certifying Boards as the entity that replaces the American Dental Association as the Board that sets the standards for dental specialties. Although the American Dental Association has historically been recognized as the sole entity that sets specialty standards, the legal community and the courts have begun to recognize that no one specialty board should be the sole arbiter of specialty recognition, and that other associations may also promulgate standards for specialty recognition by the various the states. Since it is not possible to determine which associations or boards may in the future promulgate acceptable standards, or what future specialties should be recognized, the Board wishes to maintain the authority to recognize both other specialty boards and their specialties.

Note that the American Dental Association appears to support the Board's position. The *Principles of Ethics & Code of Professional Conduct of the American Dental Association, With official advisory opinions revised to November 2018* states in relevant part:

5.H. Announcement of Specialization and Limitation of Practice.

A dentist may ethically announce as a specialty to the public in any of the dental specialties recognized by the National Commission on Recognition of Dental Specialties and

Certifying Boards, including dental public health, endodontics, oral and maxillofacial pathology, oral and maxillofacial pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics and dentofacial orthopedics, pediatric dentistry, periodontics, and prosthodontics, *and in any other areas of dentistry for which specialty recognition has been granted under the standards required or recognized in the practitioner's jurisdiction, provided that the dentist meets the educational requirements required for recognition as a specialist adopted by the American Dental Association or accepted in the jurisdiction in which they practice.* (Emphasis added).

For the above reasons the Board proposes the following amendments:

Page 3, beginning on line 3:

4-504.

“(F) THE DENTAL BOARD SHALL PROMULGATE REGULATIONS WHICH SETS THE CRITERIA FOR DENTAL SPECIALTY RECOGNITION OTHER THAN THOSE RECOGNIZED BY THE AMERICAN DENTAL ASSOCIATION, THE NATIONAL COMMISSION ON RECOGNITION OF DENTAL SPECIALTIES AND CERTIFYING BOARDS, OR THEIR PREDECESSORS OR SUCCESSORS.”

[(f)] (G) The Board is a depository for and the arbitrator of the specialty qualification standards of the [American Dental Association in this State] NATIONAL COMMISSION ON RECOGNITION OF DENTAL SPECIALTIES AND CERTIFYING BOARDS.

The opinion of the Maryland State Board of Dental Examiners expressed in this support with amendments position does not necessarily reflect that of the Department of Health or the Administration.

I hope that this information is useful. If you would like to discuss this further, please contact Dr. James Goldsmith at 301-367-2352, jgoldsm217@comcast.net, or Dr. Arpana Verma, the Board's Legislative Committee Chair at 240-498-8159, asverma93@gmail.com. In addition, the Board's Executive Director, Mr. Frank McLaughlin, may be reached at 443-878-5253, frank.mclaughlin@maryland.gov.