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March 3, 2020

To: The Honorable Shane E. Pendergrass  
Chair, Health and Governmental Operations Committee

From: Patricia F. O'Connor, Health Education and Advocacy Unit (HEAU)

Re: House Bill 939 (State Board of Dental Examiners - Practice of Dentistry -  
Revisions): **SUPPORT**

The HEAU submits the following written testimony in support of House Bill 939. This is a consensus bill resulting from an Interim work group of stakeholders, including the HEAU. We believe the bill would enhance regulatory oversight of the practice of dentistry in Maryland, and thereby increase patient safety.

The bill provides that only a licensed dentist, or a dental professional corporation owned solely by dentists, may own a dental practice. Only a licensed dentist may (1) direct a dentist in providing dental care and treatment, (2) hire, supervise or terminate the employment of a dentist, (3) direct the preparation and maintenance of patient treatment records or exert control of a patient's or treating dentist's right of access to the records, and (4) share in the income, revenue, profits or fees with licensed dentists within the same dental practice (but a dentist may not share in revenues or split fees beyond that).

No person who is not a licensed dentist may direct, control or interfere with the independent professional judgment of a dentist or dental hygienist regarding the diagnosis or treatment of a patient's dental disease, disorder or physical condition. Any contractual provision that could be interpreted to limit, restrict or prevent a dentist from testifying or providing information to the Board, the General Assembly or a court concerning a potential violation of law shall be void and unenforceable as contrary to the public policy of the State.

The bill will help ensure that the dental care that consumers receive will be based on professional judgements of a licensed dentist, and we ask that the Committee return a favorable report on the bill.

cc: Members of the Health and Governmental Operations Committee

