

Leslie E. Grant, DDS, MSPA
4305 Starview Court
Glen Arm, MD 21057
legrant@comcast.net 410-978-9727

TESTIMONY- HOUSE BILL 708-Unfavorable
State Board of Dental Examiners-Dispositions and Summary Suspensions-Time Periods
Health and Government Operations
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Good morning. Thank you for allowing this time to speak with you today. My name is Leslie Grant, and I am a general dentist and speech-language pathologist from Glen Arm in Baltimore County. I presently serve on the Maryland State Board of Dental Examiners. Respectfully, I oppose House Bill 708. This Bill imposes timelines that our Board and likely several Boards would not be able to comply with in many circumstances. The overall mission of our Board is to protect the citizens of Maryland and to promote quality health care in the field of dentistry. Consequently, while we are constantly focused on due process for the respondent/ the licensee, we are charged with ensuring that we are protecting the good health and well being of our fellow Marylanders, and that the standard of care is not compromised.

Board hearings may include many days of hearings incorporating several sessions of Board convenings over a period of months. These cases are often complicated by multiple factors that are not within the control of the Board including: availability of the respondent and their counsel, availability of the Board Counsel, prosecutor or witnesses, ignoring subpoenas or using delay tactics by failing to respond to subpoenas in a timely fashion. If additional subsequent information comes to light, counsel for the respondent may request a settlement conference, possibly delaying the hearing proceedings if a settlement does not occur.

This Bill does not specify whether the 90-day timeframe applies to the commencement or conclusion of the hearing, does not allow for extenuating circumstances, and seemingly does not incorporate the time allowances otherwise permitted if the case were referred to the Office of Administrative Hearings for review. If the respondent filed exceptions to a final decision of the Board, the 90-day time frame would not allow sufficient time for the Board to conduct a thorough and meaningful review. Automatically disposing of matters involving violations of the Dental Practice Act in favor of the respondent within arbitrarily imposed timelines is a disservice to the public and your constituents who may have initially filed the complaint.

Summary suspension of a license typically occurs in the most egregious of violations of the Maryland Dental Practice Act. These include instances of impaired practitioners, significant infection control violations, drug diversion, or sexual misconduct. In some cases, respondents may have left the area, experienced health concerns, been incarcerated or enrolled in a rehabilitation facility. There have been instances where individuals fail to respond to the Board's subpoenas, refuse to cooperate or provide essential documents, fail to show for case resolution conferences, or have not put in place adequate and sufficient corrective measures required for safe dental care delivery. In cases involving impairment or substance abuse, evaluations by independent parties may be necessary. The Board has no control over the time requirements by those entities. For these reasons, imposing a 30-day issuance of a final Order on a Summary Suspension is untenable and is counter to the Board's mission.

I therefore request an unfavorable report on House Bill 708. Thank you.