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TO: The Honorable Shane E. Pendergrass
Chair, Health and Government Operations Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: HB 708 State Board of Dental Examiners – Dispositions and Summary Suspensions –
Time Periods (**Letter of Opposition**)

The Office of the Attorney General (the “Office”) urges the Health and Government Operations Committee to issue an unfavorable report on HB 708. House Bill 708 requires the State Board of Dental Examiners (“Board”) to dispose of disciplinary matters within 90 days after an evidentiary hearing.¹ In the event the Board fails to dispose the matter within 90 days, “the licensee may provide written notice to the Board that the decision is due.”² If the Board fails to “dispose of the matter within 30 days after receipt of a notice[,]” then “the decision shall be deemed to be in favor of the licensee.”³ House Bill 708 further provides that in the case of summary suspensions, “the Board shall issue a final, appealable order on the summary suspension within 30 days after the date of the summary suspension.”⁴

If enacted, HB 708 would prevent the Board from protecting the health and safety of Maryland dental patients by summarily suspending dentists who violate Centers for Disease Control and Prevention (“CDC”) Guidelines. House Bill 708 requires that the Dental Board issue final orders within 90 days of a hearing and within 30 days of a summary suspension. If the Board does not issue orders within these timeframes, then the decision will be in favor of the licensee. This would be the first Maryland law to impose a penalty on an agency for not issuing a decision within a certain period of time — often placing members of the public at risk by allowing dangerous practitioners to continue practicing without discipline, simply because the decision took too long to be issued. These timeframes do not allow for hearings of multiple days. They do not

¹ See H.B. 708 § 4-318.1(a), 2021 Leg., 422d Sess. (Md. 2021).

² See H.B. 708 § 4-318.1(b)(1).

³ See H.B. 708 § 4-318.1(b)(2).

⁴ See H.B. 708 § 4-318.1(c).

allow for a continuance. Additionally, licensees who are summarily suspended cannot have any time to prepare for their hearing after suspension. The Board must hold the hearing and issue the order within 30 days. These provisions are supposed to be friendly to respondents but will actually not allow some licensees time to prepare for their hearing because the hearing and order must be issued within these timeframes. The consequences for not meeting the timeframes incentivizes licensees to make it difficult for the Board to issue orders promptly. No other Board has similar timeframes in its law. These changes will not improve the Dental Board's process or help respondents.

For the foregoing reasons, the Office of Attorney General urges an unfavorable report on HB 708.

cc: Members of the Health and Government Operations Committee