

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 657 (Delegate Pena-Melnyk, *et al.*)
Health and Government Operations Education, Health, and Environmental Affairs

State Board of Dental Examiners - Dentists and Dental Hygienists - Grounds for Discipline

This bill adds grounds for discipline against licensed dentists and dental hygienists who violate professional standards of care.

Fiscal Summary

State Effect: The State Board of Dental Examiners can handle any increase in disciplinary action within existing budgeted resources. The bill has no material impact on State revenues.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: Licensed dentists are subject to disciplinary action, regardless of whether actual injury to the patient occurs, if they either demonstrate a course of conduct of providing dental care or provide a dental service that is inconsistent with generally accepted professional standards of care in the practice of dentistry. To warrant disciplinary action, the provision of a dental service must be significantly inconsistent with accepted standards of care.

Likewise, licensed dental hygienists are subject to disciplinary action, regardless of whether actual injury to the patient occurs, if they either demonstrate a course of conduct of providing dental hygiene care or provide a dental hygiene service that is inconsistent

with generally accepted professional standards of care in the practice of dental hygiene. Again, to warrant disciplinary action, the provision of a dental hygiene service must be significantly inconsistent with accepted standards of care.

Subject to the hearing provisions in § 4-318 of the Health Occupations Article, the board may deny a general license to practice dentistry or dental hygiene, a limited license to practice dentistry or dental hygiene, or a teacher's license to practice dentistry or dental hygiene to any applicant, and may reprimand a licensed dentist or dental hygienist, place a licensee on probation, or suspend or revoke a license if they act in violation of these required standards of professional care.

Current Law: Dentists are subject to denials, reprimands, probations, suspensions, and revocations on various grounds including fraudulently obtaining or using a license or fraudulently obtaining a fee; committing a felony involving moral turpitude; providing dental services while under the influence of drugs or alcohol; practicing dentistry in a professionally incompetent manner or in a grossly incompetent manner; having a suspended or revoked license in another state; allowing an unauthorized individual to practice dentistry or dental hygiene under their supervision; behaving dishonorably or unprofessionally; violating rules adopted by the board; and failing to comply with the Centers for Disease Control and Prevention's guidelines on universal precautions (except in extreme situations as specified), among other enumerated actions.

Dental hygienists are subject to denials, reprimands, probations, suspensions, and revocations on similar grounds to dentists including fraudulently obtaining or using a license; practicing dental hygiene is an unauthorized place; behaving unprofessionally or in a grossly immoral way, or violating a professional code of ethics pertaining to the dental hygiene profession; being disciplined by a licensing or other disciplinary authority of any state or country for an action that would be grounds for disciplinary action under the board's disciplinary statutes; providing dental hygiene services under the influence of drugs or alcohol; and violating any law adopted by the board, among other enumerated actions.

The board has the authority to impose a penalty of up to \$5,000 in addition to taking certain disciplinary actions or instead of suspending licenses. Any such penalties are paid to the general fund.

Both dentists and dental hygienists are subject to discipline for acting in a professionally incompetent manner or in a grossly incompetent manner. However, neither is specifically subject to discipline for acting in a manner inconsistent with established standards of professional care.

Background: The State Board of Dental Examiners is mandated to protect the public by regulating the practice of dentistry and dental hygiene in Maryland. Among the enumerated duties, the board issues licenses, adopts standards of practice for dentistry, investigates complaints based on alleged violations of regulations and statutes, and disciplines licensees. In fiscal 2014, there were 15,011 licensees.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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