

SENATE BILL 169

J2
SB 365/19 – EHE & JPR

0lr1297
CF HB 947

By: **Senator West**

Introduced and read first time: January 13, 2020

Assigned to: Education, Health, and Environmental Affairs and Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 26, 2020

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Violations of the Maryland Dentistry Act – Penalties and**
3 **Cease and Desist Orders**

4 FOR the purpose of authorizing the State Board of Dental Examiners to issue a cease and
5 desist order for certain violations; altering certain penalties for certain acts related
6 to the unauthorized practice of dentistry or dental hygiene; ~~authorizing the Board to~~
7 ~~levy certain civil fines for certain violations under certain circumstances;~~ altering
8 certain penalties for violating certain provisions of law related to dental laboratory
9 work or advertising a dental appliance; providing for the application of certain
10 provisions of this Act; repealing certain provisions of law that specify certain places
11 of imprisonment; ~~providing for a delayed effective date;~~ and generally relating to
12 cease and desist orders and penalties for violations of the Maryland Dentistry Act.

13 BY adding to

14 Article – Health Occupations
15 Section 4–321
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2019 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Health Occupations
20 Section 4–606
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Health Occupations**

4 **4–321.**

5 IN ADDITION TO ANY OTHER PENALTIES OR DISCIPLINARY ACTIONS
6 AUTHORIZED UNDER THIS TITLE, THE BOARD MAY ISSUE A CEASE AND DESIST
7 ORDER FOR CONDUCT THAT:

8 (1) IS IN VIOLATION OF § 4–601 OR § 4–602 OF THIS TITLE; OR

9 (2) VIOLATES ANY PROHIBITION IN SUBTITLE 4 OF THIS TITLE THAT
10 RELATES TO DENTAL LABORATORY WORK.

11 4–606.

12 (a) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
13 SUBSECTION, A person who practices or attempts to practice dentistry without a license
14 in violation of § 4–601(a) of this subtitle or represents to the public in violation of § 4–602
15 of this subtitle that the person is authorized to practice dentistry is ~~guilty~~

16 ~~(I) GUILTY~~ of a [misdemeanor] FELONY and on conviction is
17 subject to:

18 [(1)] ~~I~~ (I) For a first offense, a fine not exceeding [\$2,000] \$5,000
19 or imprisonment [in jail] not exceeding [6 months] 1 YEAR; or

20 [(2)] ~~II~~ (II) For a subsequent offense, a fine not exceeding [\$6,000]
21 \$20,000 PER DAY or imprisonment [in the State penitentiary] not exceeding [1 year] 5
22 YEARS;~~AND~~

23 ~~(II) ON CONVICTION OR A PLEA OF NOLO CONTENDERE,~~
24 ~~SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO BE LEVIED BY THE BOARD.~~

25 (2) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO
26 PRACTICES OR ATTEMPTS TO PRACTICE DENTISTRY WITHOUT A LICENSE IF THE
27 PERSON’S LICENSE HAS BEEN EXPIRED FOR A PERIOD OF NOT MORE THAN 6
28 MONTHS.

29 (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
30 SUBSECTION, A person who practices or attempts to practice dental hygiene without a
31 license in violation of § 4–601(a) of this subtitle, aids or abets unauthorized practice of
32 dental hygiene in violation of § 4–601(b) of this subtitle, or represents to the public in

1 violation of § 4–602 of this subtitle that the person is authorized to practice dental hygiene
2 is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

3 **(2) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO**
4 **PRACTICES OR ATTEMPTS TO PRACTICE DENTAL HYGIENE WITHOUT A LICENSE IF**
5 **THE PERSON’S LICENSE HAS BEEN EXPIRED FOR A PERIOD OF NOT MORE THAN 6**
6 **MONTHS.**

7 (c) A person who violates any provision of Subtitle 4 of this title, which relates to
8 dental laboratory work, or who advertises a dental appliance in violation of § 4–503(c) of
9 this title is guilty of a [misdemeanor] **FELONY** and on conviction is subject to a fine not
10 exceeding \$2,000 **PER DAY** or imprisonment [in jail] not exceeding [6 months] **2 YEARS.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~
12 ~~1, 2021~~ October 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.