

Department of Legislative Services  
Maryland General Assembly  
2021 Session

FISCAL AND POLICY NOTE  
Enrolled - Revised

Senate Bill 836

(Senators Beidle and Elfreth)

Education, Health, and Environmental Affairs

Health and Government Operations

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State Board of Dental Examiners Disciplinary Process and Actions  
Report

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This bill requires the State Board of Dental Examiners (BDE) to study and make recommendations regarding revisions to the disciplinary process and actions of the board necessary to improve the process of disciplining dentists and the disclosure of disciplinary actions. By November 1, 2021, BDE must report its findings and recommendations to the Governor and the General Assembly. **The bill takes effect June 1, 2021, and terminates June 30, 2022.**

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Fiscal Summary

**State Effect:** BDE can complete the study and required report with existing budgeted resources. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** BDE must study:

- the number of complaints filed annually;
- how a complaint is filed and who is eligible to file a complaint;
- the length of time a complaint is open;
- the timeframe to provide updates and a resolution to the complainant;

- the average time between specified steps in the disciplinary process;
- instances in which the time between such steps was longer than average and explanations for deviations from the average;
- the manner in which disciplinary action from BDE is publicly reported;
- whether a dentist should be required to carry malpractice insurance;
- BDE rules and guidelines for show cause hearings;
- how BDE's disciplinary processes and actions compare to those of other Maryland health occupations boards, dental boards in other states, and best practices established or recommended by policy experts.

### **Current Law:**

#### *State Board of Dental Examiners*

Under the Health Occupations Article, an individual must obtain a license from BDE in order to practice dentistry or dental hygiene. BDE is mandated to protect the public by regulating the practice of dentistry and dental hygiene in Maryland. Among the enumerated duties, BDE issues licenses, adopts standards of practice, investigates complaints based on alleged violations of regulations and statutes, and disciplines licensees.

A dentist is subject to license denial as well as reprimand, probation, suspension, and revocation 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 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 to comply adopted by BDE; and failing to comply with the U.S. Centers for Disease Control and Prevention's guidelines on universal precautions (except in extreme situations, as specified), among other enumerated actions.

Before BDE takes any disciplinary action against a licensee, the individual has the opportunity for a hearing before BDE. BDE must give the individual notice and hold the hearing in accordance with the Administrative Procedures Act. An individual aggrieved by a final decision of BDE in a contested case may petition for judicial review.

Under the Code of Maryland Regulations ([10.44.07.20](#)), after final review of the record and deliberation, BDE must issue a final order of the dismissal, revocation, suspension, denial of licensure, reprimand, probation, civil penalty, or other disposition as appropriate. Within 15 days after BDE issues a final order, either party may file a motion for reconsideration.

The clerk of a district court must report to BDE on each conviction or entry of a plea of guilty or *non contendere* of any felony or crime involving moral turpitude. The report must be submitted within 10 working days of the conviction or entry of the plea.

### *Federal Reporting Requirements*

Under federal law, each state must have a system for reporting information with respect to formal proceedings against a health care practitioner by the state licensing or certification agency, including any (1) adverse action taken as a result of the proceeding; (2) dismissal or closure of the proceedings by reason of the practitioner or entity surrendering the license or leaving the state or jurisdiction; and (3) other loss of license or the right to apply for, or renew, a license by the practitioner, whether by operation of law, voluntary surrender, nonrenewability, or otherwise. Each state must also have a system for reporting information with respect to any adverse action taken against a health care provider. This information must be provided to the Secretary of Health and Human Services, including access to documents to determine the facts and circumstances concerning the final decision of the state licensing or certification agency.

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## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland Department of Health; Office of Administrative Hearings; Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2021  
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Analysis by: Amberly Holcomb

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510