

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 708 (Delegate Krebs)
Health and Government Operations

State Board of Dental Examiners - Dispositions and Summary Suspensions -
Time Periods

This bill requires the State Board of Dental Examiners (BDE) to dispose of a matter regarding the discipline of a licensee within 90 days after the date of any hearing held. If the board does not dispose of the matter within 90 days, the licensee may provide written notice to the board that a decision is due. If the board does not dispose of the matter within 30 days after receipt of the written notice, the decision must be deemed to be in favor of the licensee. If the board summarily suspends a license, the board must issue a final appealable order on the summary suspension within 30 days after the date of summary suspension.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Under the Health Occupations Article, an individual must obtain a license from BDE in order to practice dentistry. BDE 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.

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 the board; 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 the board takes any disciplinary action against a licensee, the individual has the opportunity for a hearing before the board. The board must give the individual notice and hold the hearing according to requirements of the Administrative Procedures Act. An individual aggrieved by a final decision of the board in a contested case may petition for judicial review.

Under Code of Maryland Regulations ([10.44.07.20](#)), after final review of the record and deliberation, the board 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 the board issues a final order, either party may file a motion for reconsideration.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

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rh/jc

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