

HOUSE BILL 373

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6lr2540

By: **Delegate Kipke**

Introduced and read first time: January 19, 2026

Assigned to: Health

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Dental Examiners – Disciplinary Action and Unannounced**
3 **Inspections**

4 FOR the purpose of authorizing the State Board of Dental Examiners to conduct
5 unannounced inspections of the office of certain dentists to determine compliance
6 with certain guidelines for infection control; altering the grounds for discipline of
7 dentists, dental hygienists, and dental and dental hygienist license applicants;
8 authorizing the Board to take disciplinary action against certified expanded function
9 dental assistants and certificate applicants under certain circumstances; and
10 generally relating to the State Board of Dental Examiners.

11 BY repealing and reenacting, with amendments,
12 Article – Health Occupations
13 Section 4–205(a)(6) and 4–315(a)(30), (37), and (38) and (c)(18)
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2025 Supplement)

16 BY adding to
17 Article – Health Occupations
18 Section 4–315(a)(39) and (d)
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2025 Supplement)

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

23 **Article – Health Occupations**

24 4–205.

25 (a) In addition to the powers set forth elsewhere in this title, the Board may:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (6) On receipt of a written and signed complaint, including a referral from
 2 the Commissioner of Labor and Industry, conduct an unannounced inspection of the office
 3 of a dentist, other than an office of a dentist in a hospital, related institution, freestanding
 4 medical facility, or a freestanding birthing center, to determine compliance at that office
 5 with the Centers for Disease Control and Prevention's guidelines on [universal]
 6 **STANDARD precautions AND THE CENTERS FOR DISEASE CONTROL AND**
 7 **PREVENTION'S GUIDELINES FOR INFECTION CONTROL IN DENTAL HEALTH-CARE**
 8 **SETTINGS;** and

9 4-315.

10 (a) Subject to the hearing provisions of § 4-318 of this subtitle, the Board may
 11 deny a general license to practice dentistry, a limited license to practice dentistry, or a
 12 teacher's license to practice dentistry to any applicant, reprimand any licensed dentist,
 13 place any licensed dentist on probation, or suspend or revoke the license of any licensed
 14 dentist, if the applicant or licensee:

15 (30) Except in an emergency life-threatening situation where it is not
 16 feasible or practicable, fails to comply with the Centers for Disease Control and
 17 Prevention's guidelines on [universal] **STANDARD precautions OR THE CENTERS FOR**
 18 **DISEASE CONTROL AND PREVENTION'S GUIDELINES FOR INFECTION CONTROL IN**
 19 **DENTAL HEALTH-CARE SETTINGS;**

20 (37) Accepts or tenders rebates or splits fees in violation of § 4-103(c) of this
 21 title; [or]

22 (38) Allows a dental assistant to assist in the practice of dentistry:

23 (i) In an unauthorized manner in violation of this title or
 24 regulations adopted by the Board;

25 (ii) Without specifically instructing the certified dental assistant to
 26 perform an intraoral procedure that the certified dental assistant is authorized to perform;
 27 or

28 (iii) Failing to provide direct supervision of a dental assistant; **OR**

29 **(39) EMPLOYS, SUPERVISES, OR USES THE SERVICES OF AN**
 30 **INDIVIDUAL AS AN EXPANDED FUNCTION DENTAL ASSISTANT WHO IS NOT CERTIFIED**
 31 **BY THE BOARD UNDER § 4-301.1 OF THIS SUBTITLE.**

32 (c) Subject to the hearing provisions of § 4-318 of this subtitle, the Board may
 33 deny a general license to practice dental hygiene, a teacher's license to practice dental
 34 hygiene, or a temporary license to practice dental hygiene to any applicant, reprimand any

1 licensed dental hygienist, place any licensed dental hygienist on probation, or suspend or
2 revoke the license of any licensed dental hygienist, if the applicant or licensee:

3 (18) Except in an emergency life-threatening situation where it is not
4 feasible or practicable, fails to comply with the Centers for Disease Control and
5 Prevention's guidelines on [universal] STANDARD precautions OR THE CENTERS FOR
6 DISEASE CONTROL AND PREVENTION'S GUIDELINES FOR INFECTION CONTROL IN
7 DENTAL HEALTH-CARE SETTINGS;

8 (D) SUBJECT TO THE HEARING PROVISIONS OF § 4-318 OF THIS SUBTITLE,
9 THE BOARD MAY DENY A CERTIFICATE TO PRACTICE EXPANDED FUNCTION DENTAL
10 ASSISTING TO ANY APPLICANT, REPRIMAND ANY CERTIFIED EXPANDED FUNCTION
11 DENTAL ASSISTANT, PLACE ANY CERTIFIED EXPANDED FUNCTION DENTAL
12 ASSISTANT ON PROBATION, OR SUSPEND OR REVOKE THE CERTIFICATE OF ANY
13 CERTIFIED EXPANDED FUNCTION DENTAL ASSISTANT, IF THE APPLICANT OR
14 CERTIFICATE HOLDER:

15 (1) PRACTICES EXPANDED FUNCTION DENTAL ASSISTING IN AN
16 INCOMPETENT MANNER;

17 (2) FAILS TO CONFORM TO GENERALLY ACCEPTED STANDARDS IN
18 THE PRACTICE OF EXPANDED FUNCTION DENTAL ASSISTING;

19 (3) PERFORMS INTRAORAL FUNCTIONS NOT AUTHORIZED BY
20 STATUTE OR THE RULES AND REGULATIONS OF THE BOARD;

21 (4) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
22 OBTAIN A CERTIFICATE FOR THE APPLICANT OR FOR ANOTHER;

23 (5) FRAUDULENTLY OR DECEPTIVELY USES A CERTIFICATE;

24 (6) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OF
25 ANY OTHER STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A COURT OF ANY
26 STATE OR COUNTRY, OR DISCIPLINED BY ANY BRANCH OF THE UNIFORMED
27 SERVICES OR THE U.S. DEPARTMENT OF VETERANS AFFAIRS FOR AN ACT THAT
28 WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S
29 DISCIPLINARY STATUTES;

30 (7) VIOLATES ANY RULE OR REGULATION ADOPTED BY THE BOARD;

31 (8) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO
32 A FELONY OR A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY
33 APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA
34 SET ASIDE;

1 **(9) PROVIDES PROFESSIONAL SERVICES WHILE UNDER THE**
2 **INFLUENCE OF ALCOHOL OR ANY CONTROLLED DANGEROUS SUBSTANCE OR DRUG**
3 **IN EXCESS OF THERAPEUTIC AMOUNTS;**

4 **(10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD OR**
5 **FAILS TO FILE A REPORT OR RECORD IN THE PRACTICE OF EXPANDED FUNCTION**
6 **DENTAL ASSISTING OR WILLFULLY INDUCES ANOTHER TO FILE A FALSE REPORT;**

7 **(11) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES**
8 **AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL**
9 **SERVICES THAT THE CERTIFIED INDIVIDUAL IS QUALIFIED TO RENDER BECAUSE**
10 **THE INDIVIDUAL IS HIV POSITIVE;**

11 **(12) EXCEPT IN AN EMERGENCY LIFE-THREATENING SITUATION**
12 **WHERE IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS**
13 **FOR DISEASE CONTROL AND PREVENTION'S GUIDELINES ON STANDARD**
14 **PRECAUTIONS OR THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S**
15 **GUIDELINES FOR INFECTION CONTROL IN DENTAL HEALTH-CARE SETTINGS;**

16 **(13) FAILS TO COMPLY WITH A BOARD ORDER;**

17 **(14) IS MENTALLY OR PHYSICALLY INCOMPETENT TO PRACTICE**
18 **EXPANDED FUNCTION DENTAL ASSISTING;**

19 **(15) WILLFULLY AND WITHOUT LEGAL JUSTIFICATION FAILS TO**
20 **COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD;**

21 **(16) ENGAGES IN SEXUAL MISCONDUCT; OR**

22 **(17) BEHAVES DISHONORABLY OR UNPROFESSIONALLY.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2026.