

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 373
Health

(Delegate Kipke)

Finance

State Board of Dental Examiners - Disciplinary Action and Unannounced
Inspections

This bill authorizes the State Board of Dental Examiners (BDE) to conduct an unannounced inspection to determine compliance with the Centers for Disease Control and Prevention’s (CDC) guidelines on *standard* (rather than universal) precautions and *Guidelines for Infection Control in Dental Health-Care Settings* under specified circumstances. The bill updates and alters grounds for disciplinary action by BDE and authorizes the board to take disciplinary action against or relating to an expanded function dental assistant (EFDA).

Fiscal Summary

State Effect: The bill’s changes can be handled with existing budgeted resources. Revenues are not likely affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary:

Disciplinary Grounds – Dentists

The grounds for disciplinary action against an applicant for a dental license or a licensed dentist are updated and altered to include:

- except in an emergency, life-threatening situation where it is not feasible or practicable, failure to comply with CDC guidelines on *standard* precautions or CDC's *Guidelines for Infection Control in Dental Health-Care Settings*; or
- employing, supervising, or using the services of an individual as an EFDA who is not certified by BDE.

Disciplinary Grounds – Dental Hygienists

The grounds for disciplinary action against an applicant for a dental hygiene license or a licensed dental hygienist are updated to include if the applicant or licensee, except in an emergency, life-threatening situation where it is not feasible or practicable, fails to comply with CDC guidelines on *standard* precautions or CDC's *Guidelines for Infection Control in Dental Health-Care Settings*.

Disciplinary Grounds – Expanded Function Dental Assistants

The bill establishes disciplinary grounds under which BDE may deny a certificate to practice expanded function dental assisting to any applicant, reprimand any certified EFDA, place any certified EFDA on probation, or suspend or revoke the certificate of any certified EFDA, if the applicant or certificate holder:

- practices expanded function dental assisting in an incompetent manner;
- fails to conform to generally accepted standards in the practice of expanded function dental assisting;
- performs intraoral functions not authorized by statute or the rules and regulations of the board;
- fraudulently or deceptively obtains or attempts to obtain a certificate for the applicant or for another;
- fraudulently or deceptively uses a certificate;
- is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country, or disciplined by any branch of the uniformed services or the U.S. Department of Veterans Affairs for an act that would be grounds for disciplinary action under the board's disciplinary statutes;
- violates any rule or regulation adopted by the board;
- is convicted of or pleads guilty or *nolo contendere* to a felony or a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- provides professional services while under the influence of alcohol or any controlled dangerous substance or drug in excess of therapeutic amounts;

- willfully makes or files a false report or record or fails to file a report or record in the practice of expanded function dental assisting or willfully induces another to file a false report;
- refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services that the certified individual is qualified to render because the individual is HIV positive;
- except in an emergency, life-threatening situation where it is not feasible or practicable, fails to comply with CDC guidelines on standard precautions or *Guidelines for Infection Control in Dental Health-Care Settings*;
- fails to comply with a board order;
- is mentally or physically incompetent to practice expanded function dental assisting;
- willfully and without legal justification fails to cooperate with a lawful investigation conducted by the board;
- engages in sexual misconduct; or
- behaves dishonorably or unprofessionally.

Current Law: An individual must be licensed to practice dentistry or dental hygiene or certified to practice expanded function dental assisting. BDE issues licenses and certificates, adopts standards of practice, investigates complaints based on alleged violations of regulations and statutes, and disciplines licensees.

Unannounced Inspections and Universal Precautions

On receipt of a written and signed complaint, including a referral from the Commissioner of Labor and Industry, BDE may conduct an unannounced inspection of the office of a dentist, other than an office in a hospital, related institution, freestanding medical facility, or a freestanding birthing center, to determine compliance with CDC guidelines on universal precautions. Failure to comply with universal precautions, except in a life-threatening situation where it is not feasible or practicable, is grounds for disciplinary action by BDE.

Disciplinary Grounds

A dental or dental hygiene applicant or licensee is subject to license denial, as well as reprimand, probation, suspension, and revocation on various disciplinary grounds. Before BDE takes any disciplinary action, 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.

Expanded Function Dental Assisting

In general, dental assistants are not required to be licensed or certified by BDE. However, dental assistants may be registered as qualified in general duties or qualified in orthodontics, and/or certified as a dental radiation technologist or an EFDA. An EFDA is certified by BDE to perform specific intraoral procedures. An EFDA may perform a procedure if a licensed dentist (1) gives specific instructions to perform the procedure and (2) directly supervises the procedure.

Additional Comments: Universal precautions are guidelines that protect health care workers from exposure to potentially infectious materials, while standard precautions are a more comprehensive set of safety protocols used to protect health care workers and patients from infection. Last updated in April 2024, CDC issues [standard precautions for all patient care](#) based on a risk assessment and makes use of common sense practices and personal protective equipment use that protect health care providers from infection and prevent the spread of infection from patient to patient. In 2003, CDC published the [Guidelines for Infection Control in Dental Health-Care Settings](#).

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

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

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