

The Maryland State Dental Association Supports SB 174 – State Board of Dental Examiners – Practice of Dentistry – Revisions

Beginning in 2015 the Maryland General Assembly considered various legislative proposals dealing with the practice of dentistry, and the appropriate roles non-licensed personnel and entities may play in the operation of dental offices. Following the 2015 Session there was an Interim Study conducted by the Department of Health. This study did not resolve the issues and hearings on competing proposals were heard in both the Senate and the House in 2016,2017,2018 and 2019. At the conclusion of last Session, the House HGO Committee referred the matter for a second interim study to be conducted by the Department of Health.

This Fall the Association of Dental Support Organizations, The Maryland State Dental Association and other dental organization conducted focused and intense negotiations facilitated by Senator West and Delegates Cullison and Kelly. The result of those efforts is SB 174 which is before you today. SB 174 is supported by the ADSO, the MSDA, the State Board of Dental examiners and others.

Key Provisions of SB 174:

1. The bill clarifies that only Maryland licensed dentists, or a dental professional corporation owned solely by Maryland licensed dentists may own a dental practice (page 4 lines 1-3).
2. The bill lays out what services and functions only a licensed dentist may perform (page 3 lines 2-10, page 4 lines 4-18).
3. SB 174 then provides with clarity what functions and services a dentist may contract with any person who is not a licensed dentist to provide to the dental practice (page 4 line 26 through page 6 line 1).
4. The bill makes clear that it is illegal for any person who is not a licensed dentist to direct, control or interfere with the independent professional judgment of a dentist or dental hygienist regarding the diagnosis, care or treatment of a patient's dental disease, disorder or condition. (page 4 lines 21-25).
5. SB 174 prohibits the sharing of income, revenues, profits or fees from a dental practice except among licensed dentists within the same practice. (page 4 lines 17-20).
6. SB174, like many of the proposals from 2016 through 2019, exempts certain dental clinics from the requirements of ownership. (Page 6 line2 through page 7 line3).
7. Finally, SB 174 declares that any contractual provision that could be interpreted to limit, restrict or prohibit a person from testifying or providing information to the Board, the General Assembly or a court of competent jurisdiction about a potential violation of the Maryland Dentistry Act is void and unenforceable as contrary to Maryland public policy (page 8 line 34 through page 9 line 6).

The Maryland State Dental Association respectfully requests that this Committee give SB 174 a Favorable Report.