



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

Maryland State Board of Dental Examiners

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**2020 SESSION
POSITION PAPER**

BILL NO: HB 947

COMMITTEE: Health and Government Operations

POSITION: Support

TITLE: Health Occupations -Violations of the Maryland Dentistry Act-Penalties and Cease and Desist Orders

BILL ANALYSIS: The bill increases the penalties and fines for practicing dentistry without a license, and violating the laws related to dental laboratory work. For a person who practices dentistry without a license, the penalty is increased from a misdemeanor to a felony. In addition, the fine is increased from \$2,000 to \$5,000, and the term of imprisonment increased from 6 months to 1 year. For a subsequent offense the fine is increased from a flat \$6,000 to \$20,000 per day, and the term of imprisonment is increased from 1 year to 5 years. The provisions would not apply to a dentist who allowed their license to lapse for less than 6 months. The Board may also issue a cease and desist order against those who are practicing dentistry without a license. In addition, a person who practices dentistry without a license is subject to a civil fine of not more than \$50,000 to be levied by the Board. The Board may also issue a cease and desist order for conduct that violates the laws related to dental laboratory work. For a person who violates the laws regarding dental laboratory work, the penalty is increased from a misdemeanor to a felony, the fine increased from a flat \$2,000 to \$2,000 per day, and the term of imprisonment increased from 6 months to 2 years.

POSITION AND RATIONALE: The Board supports HB 947. Although the Board investigates all complaints of unauthorized practice of clinical dentistry, it has no jurisdiction over individuals who do not possess a license. Consequently, cases are referred to the State's Attorneys offices of the various counties, but the Board finds that because the criminal violation is only a misdemeanor, no charges are filed, or if brought to trial the penalty is so slight that the unlicensed offender returns almost immediately to the unlawful practice. One individual routinely performed tooth extractions with household pliers. This is truly a public protection issue. The Board believes that increasing the sanction to a felony will more appropriately fit the punishment to the crime and will deter future criminal activity. The majority of the complaints received by the Board for the unlawful practice of clinical dentistry stem from the most disadvantaged areas of the State. The increase in penalties will act both as a deterrent and an incentive to law enforcement to actively pursue and prosecute those who by their unlawful acts

have injured the State's most vulnerable citizens. The Board believe that if HB 947 is to adequately protect the public, not only must the monetary penalties be increased, but the proposed sanction be increased from a misdemeanor to a felony.

The Board asks that HB 947 receive a favorable vote.

I hope that this information is useful. If you would like to discuss this further, please contact Dr. James Goldsmith, Board President at 301-367-2352, jgoldsm217@comcast.net, or Dr. Arpana Verma, the Board's Legislative Committee Chair at 240-498-8159, asverma93@gmail.com. In addition, the Board's Executive Director, Mr. Frank McLaughlin, may be reached at 443-878-5253, frank.mclaughlin@maryland.gov.

The opinion of the Maryland State Board of Dental Examiners expressed in this support position paper does not necessarily reflect that of the Department of Health or the Administration.

