



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Testimony in Support of HB 947
Health Occupations – Violations of the Maryland Dentistry Act –
Penalties and Cease and Desist Orders

Good afternoon, Chairman Pendergrass, Vice Chairman Pena-Melnyk and honorable members of the committee. Thank you for this opportunity to present **HB 947 Health Occupations – Violations of the Maryland Dentistry Act – Penalties and Cease and Desist Orders**. This bill is designed to recognize the seriousness of the crime of practicing dentistry without a license and bring the penalties for that action in line with that recognition and with those of physicians.

The practice of dentistry by unlicensed persons has become an ever increasing health concern placing Maryland citizens at risk. We have heard of cases in Maryland, and adjoining states, where treatment was provided to people in ill-equipped settings (kitchens), with inappropriate disease controls in place (no sterilization of instruments etc.) , resulting in the transmission of HIV and hepatitis, broken jaws, mangled extractions and the like.

Maryland currently makes the illegal practice of dentistry a misdemeanor and, for the first conviction, punishable by a fine of up to \$2,000.00 and/ or imprisonment in jail of no more than 6 months. This is in drastic contrast with the penalties for the illegal practice of medicine which is a felony and upon conviction is subject to a fine of \$10,000.00 or imprisonment not exceeding 5 years or both. The person is also subject to a civil fine levied by the board of up to \$50,000.00.

There are some other significant differences besides the higher fines and longer sentences for practicing medicine without a license. Because it is classified as a felony, the state's attorney may obtain a warrant, have law enforcement go to the premises and search and investigate. Evidence can be gathered which substantiates that illegal care has been/is being provided by unlicensed person(s).

When the crime is a misdemeanor, a complaint is made to the sheriff, who goes to the premises. If the sheriff does not observe an unlicensed person actually treating a patient, nothing happens. This is true even if there is an operatory on the premises, appointment book, patient records etc.

This bill will increase the crime to a felony, and for a first conviction impose a fine of up to \$5,000.00 and imprisonment of no more than 1 year. The board will also be authorized upon criminal conviction to impose a civil fine of no more than \$50,000.00. For any subsequent convictions the fine increases to \$20,000 per day, and imprisonment of no more than 5 years.

Increasing the crime to a felony, while increasing the fines and length of imprisonment, will be a greater deterrent to effectively curb the illegal practice of dentistry by unlicensed persons. This is essential to protect the dental health and safety of our citizens.

Thank you for your consideration and I respectfully request a favorable report for HB 947.