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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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SB 836

State Board of Dental Examiners - Disciplinary Action
Disclosure Requirements and Licensee Profiles

Chairman Pinsky, Vice Chair Kagan and Members of the Committee;

Thank you for the opportunity to present SB 836, State Board of Dental Examiners – Disciplinary Action – Disclosure Requirements and Licensee Profiles.

As you know, many of our bills are drafted because of an issue that we hear from our constituents. This is certainly true of Senate Bill 836. Anne Arundel County had a local dentist that since 2009, received complaints about his inadequate dental work. Finally in 2020, he surrendered his dental license. The many patients he injured had little recourse, they either had to depend on the State Board of Dental Examiners to protect them or file a civil suit as the dentist did not carry dental malpractice insurance in recent years.

Fortunately for some patients, several local dentists have stepped up and are doing pro-bono work for patients that had already paid for the dental work that was either never completed or was so poorly done that the prosthetist or implants had to be removed and redone. These are the lucky ones. Most of the patients owe loans for large amounts, often \$15,000 or more, for work that was not completed or dental work that needed to be redone and they are still paying back the original loan. Now the patients are paying again for this work to be completed. The State Board of Dental Examiners is prohibited from hearing cases about fees that are paid and in many of the cases I am describing, patients paid up front for dental work that was never completed,

The State Board of Dental Examiners confirmed with me, in writing, that this one dentist had official complaints in September 2009, 2012, 2013, 2016, two cases in 2017 and two cases in 2019 regarding the local dentist. Also, there is a Facebook page with **295** members that were either injured by this dentist or were employed by the dentist and left because of the lack of quality of his work.

In December, Senator Elfreth, my cosponsor, and I spoke with Mr. McLaughlin, Executive Director of the State Board of Dental Examiners, he shared with me how difficult it is to complete the process of disciplining a dentist. The process requires a patient to file a formal accusation against a licensed, dental professional complete with a signature alleging a violation of professional standards, another difficulty is that other dentists or healthcare providers who see the substandard dental work by an identifiable area dentists are prohibited from filing a complaint. SB 836 is modeled after the process in use by the Board of Physicians, the discipline process for physicians and does not take eleven years.

One of the complaints I heard from the State Board of Dental Examiners, is that they do not want the disciplined dentists listed publicly on the State Board of Dental Examiners website. I would like to point out that physicians that are disciplined are listed on Maryland Board of Physicians website. Physical Therapists, Occupational Therapists and other providers are listed on the Maryland Health Department website and nurses are listed with the Board of Nurses. Attorneys that are disciplined are listed publicly on the Maryland Courts website. Why shouldn't the Board of Dental Examiners notify the public when a dentist is disciplined? Why are dentists treated differently? The Maryland Judiciary shows 186 entries on the case search for this one dentist and he is the defendant in 35 cases going back to 1996.

The mission of the Board of Dental Examiners is to protect the citizens of Maryland and to promote quality health care in the field of dentistry. There must be a better way to provide for discipline and oversight of the dentists in the State of Maryland. It is my understanding the State Board of Dental Examiners will be opposing the bill, or they may ask for an interim study. I accept that this bill is now in the jurisdiction of this committee, but I ask, "Can we wait another year and how many more patients must be injured by dentists that should not be practicing in Maryland."

Thank you for your consideration of SB836 and this testimony and I respectfully request a favorable report on Senate Bill 836.