



## **The Maryland State Dental Association Supports HB 508 – COVID-19 Claim Civil Immunity**

*Respectfully submitted by Daniel T. Doherty, Jr. on behalf of MSDA*

The impact of the COVID 19 pandemic has negatively impacted everyone, especially health care providers and facilities. For 52 days Maryland dental offices had to be closed except for emergencies. In answer to a call for needed PPE, many dental offices during this period of closure donated their PPE supplies to various health facilities. However, once the Governor ordered that dental offices could reopen, many dentists found a shortage of PPE, and what was available was being offered at huge increases in cost.

Despite these closures and shortages of PPE, dentistry responded to the needs of their patients, treating them using the best infection control protocols possible under these circumstances. Infection control under COVID 19 is especially difficult in dentistry. Dental treatment by its very nature creates aerosols which make the transmission of COVID 19 a higher risk than in other health professions. Further, dental treatment is always delivered to persons who are not masked.

Unfortunately delivering essential dental care to unmasked patients during this pandemic makes dental providers potentially a target for COVID 19 claims. Despite the current evidence that supports the effectiveness of dental infection protocols, the risk of COVID claims is not insubstantial. Dentists and all of the other health care providers who have continued to treat patients during these trying times are entitled to protection from claims of exposure, or potential exposure to COVID 19, or claims that their sanitation and infection control protocols failed in a particular instance.

HB 508 provides necessary immunity from civil liability to dentists and other providers who have acted in compliance with applicable statutes, rules, regulations, executive and agency orders. This immunity applies only to claims that arose between March 5, 2020 and 180 days after the expiration or rescission of the Governor's Proclamation of March 5, 2020. This immunity will not apply when the person's actions amount to gross negligence or intentional wrongdoing.

**For these reasons the Maryland State Dental Association urges that HB 508 be given a favorable report.**

Submitted by:  
Daniel T. Doherty, Jr.  
February 1, 2021