



**The MSDA Supports the Concept of SB 77 – Health Occupation Boards – Investigations –  
Right to Counsel**

*Respectfully submitted by Daniel T. Doherty, Jr. on Behalf of the Maryland State Dental association*

The Maryland State Dental Association (“MSDA”) strongly supports the rights of dentists and all health care providers to have legal representation at key times during a disciplinary process before a health occupations board. Clearly, this would include an interrogation or other interview to discuss contemplated or pending charges. Legal representation is also essential during a disciplinary hearing. However, there are scenarios where representation should not be mandated.

An example would be when the Board has received a complaint, or has been given evidence, that illegal activity is occurring, or grossly negligent care is being provided, in a licensee’s office. The initiation of an unannounced inspection to investigate, and possibly gather evidence, should not be delayed or obstructed by a licensee demanding that the investigation be halted until her or his counsel can be present. Likewise, during an interview or other disciplinary proceeding the licensee’s attorney should not be allowed to disrupt or inappropriately interfere with the investigation or proceeding.

While the MSDA supports the intent of SB 77, it cannot support the overly broad language of SB 77 as introduced. MSDA, however, is willing to work with the sponsor and all interested parties to develop appropriate language to protect the rights of health care providers before their licensure board, while assuring that the boards may investigate in an appropriate but unhampered manner in its duty to protect the public.

Submitted by;  
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