



Board of Dental Examiners

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

Arpana S. Verma Board Chair – Francis X. McLaughlin, Jr., Executive Director

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February 1, 2022

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401-1991

Re: SB 111 - Occupational Licenses or Certificates - Pre-Application Determinations - Letter of Concern

Dear Chair Smith and Committee Members:

The Maryland State Board of Dental Examiners is submitting this letter of Letter of Concern for Senate Bill (SB) 111 – Occupational Licenses or Certificates-Pre-Application Determinations - Criminal Convictions. The bill provides that before submitting an application for an occupational license or certificate, including a dental or dental hygiene license, or a dental radiation technologist certificate, a potential applicant may request a determination from the Maryland Department of Health (MDH) whether a specified criminal conviction would be the basis for denial of the license or certificate.

SB 111 raises a number of issues. There are over 220 federal crimes and numerous state crimes including felonies and misdemeanors. Each of those crimes would have to be listed, and for each, a determination made out of hand whether a conviction, regardless of the surrounding circumstances, would be a basis for the denial of a dental license, a dental hygiene license, or a dental radiation technologist certificate. For example, the following three crimes are federal crimes: identity theft, importation of drugs, and insurance fraud. Under the bill there is no requirement that the applicant provide a detailed explanation of the conviction, the surrounding facts regarding the conviction, or the term of imprisonment if any. All that is required is the identification of the crime. If convicted of importation of drugs, the Board would have no legal authority to determine if the conviction was based upon the importation or attempted importation of several ounces of marijuana, or several kilos of cocaine. Another example would be insurance fraud. The distinction is significant between a potential applicant who defrauded a single insurance company for the proceeds after reporting their home was damaged by fire compared to a potential applicant who may be licensed in another state and created a scheme wherein they defrauded numerous insurance companies for work not done. Granting a license to someone who committed unlawful acts without a full inquiry into the extent of those acts would not be in the best interests of the citizens of Maryland.

In addition, the Board is concerned that the process for requesting and obtaining a written determination from a department under the bill is similar to, but not identical to, the existing

process for petitioning a State unit for a declaratory ruling under Md. Code Ann., State Government Article § 10-301, *et seq.* A petition for a declaratory ruling requests “the manner in which the [State] unit would apply a ... statute that the unit enforces to a person ... on the facts set forth in the petition.” State Gov’t § 10-304(a).

The Board is concerned that because there is no provision for a State unit to charge a fee for considering a petition for a declaratory ruling, a potential applicant could avoid paying any fee to the Board to conduct an assessment under the bill by petitioning for a declaratory ruling under the State Government Article provisions.

For these reasons the Dental Board respectfully requests that SB 111 receive an unfavorable report.

If you would like to discuss this further, please contact me at 240-498-8159, asverma93@gmail.com, or Dr. Edwin Morris, the Board’s Legislative Committee Chair at 410-218-4203. In addition, the Board’s Executive Director, Mr. Frank McLaughlin may be reached at 443-878-5253, frank.mclaughlin@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arpana S. Verma', with a long horizontal flourish extending to the right.

Arpana S. Verma, D.D.S.
Board President

The opinion of the Maryland State Board of Dental Examiners expressed in this letter of concern does not necessarily reflect that of MDH or the administration.