



Board of Dental Examiners

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

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February 16, 2023

The Honorable Joseline A. Peña-Melnyk
 Chair, Health and Government Operations Committee
 Room 241, House Office Building
 Annapolis, Maryland 21401-1991

Re: HB 196 – Health Occupations-Service Members, Veterans, and Military Spouses –
 Temporary Licensure, Certification, Registration, and Permitting - Letter of Concern

Dear Chair Peña-Melnyk and Members of the Government Operations Committee:

The Maryland State Board of Dental Examiners is submitting this letter of concern for HB 196 - Health Occupations - Service Members, Veterans, and Military Spouses -Temporary Licensure, Certification, Registration, and Permitting. The bill requires all health occupations boards, including the Dental Board, to issue a 6-month expedited temporary license, certificate, or registration to a service member, veteran, or military spouse who has applied for a full Maryland license, if the applicant has been licensed and in good standing in another state for at least one year. In addition, the bill allows a health occupations board to issue a 6-month expedited temporary license to a service member, veteran, or military spouse who has applied for a full Maryland license, and who has been licensed in another state for a period less than one year.

The Board is concerned that the bill may be in conflict with or duplicative of recently enacted federal legislation. The Veteran’s Auto and Education Improvement Act of 2022, H.R. 7939, Pub. L. 117-333, § 705A enacted on January 5, 2023 provides in relevant part:

(a) In any case in which a servicemember or the spouse of a servicemember has a covered license and such servicemember or spouse relocates his or her residency because of military orders for military service to a location that is not in the jurisdiction of the licensing authority that issued the covered license, such covered license shall be considered valid at a similar scope of practice and in the discipline applied for in the jurisdiction of such new residency for the duration of such military orders if such servicemember or spouse... .

The bill goes on to provide that the servicemember or their spouse must provide a copy of their military orders to the new state of residency, maintain their license(s) in good standing, complete necessary continuing education requirements, and comply with the disciplinary authority of the new jurisdiction [Maryland].

Unlike HB 196, under Pub. L. 117-333, there are no temporary licenses and there is no requirement that the servicemember or their spouse have a license that required “substantially

similar qualifications” as the license for which the applicant has applied. Under Pub. L. 117-333, the servicemember or their spouse would be entitled to practice their health occupation without the necessity of a “substantially similar” determination by the appropriate health occupations board in Maryland. Health occupations boards would not issue licenses to servicemembers or their spouses. They would be entitled to practice in Maryland during the duration of their military orders.

Should the Committee decide to move forward without regard to Pub. L. 113-333, the Board is especially concerned with the following provision in HB 196: (page 4, lines 6-10) EACH VALID LICENSE, CERTIFICATE, REGISTRATION, OR PERMIT HELD BY THE APPLICANT REQUIRED SUBSTANTIALLY SIMILAR QUALIFICATIONS AS THE LICENSE, CERTIFICATE, REGISTRATION, OR PERMIT FOR WHICH THE APPLICANT HAS APPLIED, AS DETERMINED BY THE HEALTH OCCUPATIONS BOARD.

The Board does not believe that there are “substantial equivalent” examination requirements in other states for either dentists or dental hygienists. In Maryland, a graduate of an accredited dental school may receive a license if he or she has, among other requirements, passed the American Dental Licensing Examination or the American Dental Hygiene Examination, both administered by the American Board of Dental Examiners, Inc. (“ADEX”). Those examinations are considered the “Gold Standard” of examinations. Although other states’ examination requirements may be facially similar, they are not “substantially equivalent.” In addition, determining that an examination or licensing requirement of another state is not “substantially equivalent” is a subjective determination that may subject the Board to litigation. The Board notes that the ADEX examinations are offered and accepted in 48 states and are taken by the great majority of dentists and dental hygienists seeking licensure, regardless of where they initially considered licensure. If a candidate passed the ADEX examination in another state, the passing score is used for licensure in Maryland. Therefore, there should be no obstacles for those seeking dental or dental hygiene licensure in Maryland, and no real need for a temporary license.

Under the present law, and for a number of years, the Dental Board has expedited the applications for licensure for all service members, veterans, and military spouses. In addition, each applicant has an advisor to assist with the application process. If the applicant does not meet the requirements for licensure the advisor assists the service member, veteran, or military spouse in identifying programs that offer the appropriate education or experience. The Board takes all reasonable steps to help service men and women and their spouses.

In addition, there are states that pose a concern. In New York a candidate may receive a dental license without having taken a clinical examination, and in Delaware candidates for a dental license must take a state administered examination. Both situations raise clinical concerns. The Board does not believe that it is in the public interest to allow dentists who have not completed a rigorous clinical examination as part of the application process to practice while their application for a full license is pending, even for a period of 6 months.

Under the existing law, a dentist who has not passed the ADEX examination may be issued a full Maryland license if they have practiced dentistry in another state for at least 5 years and if they

have passed an examination with a clinical component as a requirement for licensure in another state. It is the Board's belief that if a dentist has not passed the ADEX examination he or she should have the required 5 years of practice experience before they are allowed to practice dentistry in Maryland. Harm could be done to the citizens of Maryland during the temporary license period.

Additionally, the Board notes that the applicant may not attempt in earnest to complete the requirements for full licensure, may continue to request continuances for the temporary license, or simply practice without a license once the 6-month temporary license expires. For these reasons, the Dental Board requests that HB 196 receive an unfavorable report.

I hope that this information is helpful. 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, Dr. Christy Collins may be reached at 410-402-8518, christy.collins1@maryland.gov.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Arpana S. Verma', is written over a light gray grid background.

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