



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

Maryland State Board of Dental Examiners

Spring Grove Hospital Center - Benjamin Rush Bldg.
55 Wade Ave/Tulip Drive
Catonsville, MD 21228

February 25, 2025

The Honorable Pamela Beidle
Chair, Senate Finance Committee
3 East. Miller Senate Office Building
Annapolis, Maryland 21401-1991

Re: Senate Bill 792 – State Board of Dental Examiners – Expanded Function Dental Assistants - Education and Reinstatement - Oppose

Dear Chair Beidle and Members of the Senate Finance Committee:

The Maryland State Board of Dental Examiners respectfully submits this opposition paper for Senate Bill 792 – State Board of Dental Examiners – Expanded Function Dental Assistants - Education and Reinstatement.

Prior to providing the Board’s reasoning behind its position, it wishes to offer a brief explanation of expanded function dental assisting in Maryland which places its opposition into perspective.

Expanded function dental assisting was first recognized by the passage of HB 968 Health Occupations -Dental Assistants – Certification and Regulation, Chapter 364 (2022). The Board was required to promulgate regulations, and it did so.¹ The regulations provided that those who wished certification as an orthodontic expanded function dental assistant, or a general duties expanded function dental assistant were required to complete their course of study through in-person programs which included a clinical component. The Board received several comments requesting that the Board amend the regulations to allow the required training to be taken online, that is, no required clinical training. As a result of the comments the Board revised the regulations to provide that an on-line course could be completed, but that the course had to maintain a hands-on clinical training component. For example, the

¹ House Bill 968 effective October 1, 2022, required the Board to promulgate regulations. On November 2, 2022 the Board passed regulations. The proposed regulations were submitted to the Department on November 2, 2022. The regulations were published in the Maryland Register on October 6, 2023. As the result of public comments, the Board held a stakeholder meeting on January 31, 2023. After consideration of the comments the Board voted on a second proposal on June 7, 2024. The second proposal was submitted to the Department on the same date.

current regulation draft provides that an applicant for orthodontic expanded function dental assisting shall “Successfully compete[d] a Board-approved course of at least 35 hours related to Maryland orthodontic expanded function dental assisting, of which at least 10 hours shall include hands-on clinical training.” Those seeking a general duties expanded function dental assisting certification must also complete hands-on clinical training.

Under the current statute, there are four entities that may provide training programs for expanded function dental assistants. Those are: A U.S. Department of Labor Job Corps dental assisting program; a dental assisting program within an institution of postsecondary education that is accredited by an accrediting institution recognized by the U.S. Department of Education; a dental assisting program that is located within a high school; or a dental assisting program that is accredited by the Council on Dental accreditation.

SB 792 adds two additional entities that may provide a course of study. Those are a dental assisting course or program offered by the Dale Foundation, an affiliate of the Dental Assisting National Board, or an orthodontic dental assisting course or program offered by Trapezio Orthodontic Assistant Training Solutions. Additionally, the bill provides that “A course of study for Initial certification under this section shall include, when appropriate, an option for an online course of study.”

Finally, the bill provides that an expanded function dental assistant may only reinstate an expired certificate and an individual who wishes to renew their certificate may only do so if the courses are offered by “Dental professional societies affiliated with national dental organizations” and the entities that may provide the course programs for initial certification.

What is not apparent from a reading of SB 792 is the fact that both the Dale Foundation program and the Trapezio program are offered entirely online. That is, there is no hands-on clinical training requirement. A candidate may complete the courses without providing treatment on a human being. The Board believes that it is essential that expanded function dental assistants treat humans as part of the training program. Placing dental sealants, performing coronal polishing, or applying silver diamine fluoride on computer simulations is no substitute for practice on a human. Maintaining a hands-on clinical component is essential to develop dexterity and precision in the oral cavity. In addition, it helps to develop real world interaction and communication skills. Experience has shown the Board that it cannot rely on employer dentists to provide the necessary training for dental auxiliaries.

The phrase “A course of study for initial certification under this section shall include, when appropriate, an option for an online course of study” is troublesome. The phrase “when appropriate” is vague and could be interpreted to mean that in-person courses must include an option for on-line training for at least a portion of the course, or perhaps the entire course, or that courses offered at an approved venue such as a high school or courses offered within an institution of postsecondary education, such as a college, where there are no dental chairs located within the school, must be permitted to conduct the entire course on-line. The phrase may also be interpreted to mean the opposite; that all online courses are inappropriate.

The Board’s current regulation draft provides that expanded function dental assistants must complete 15 hours of continuing education as a condition of certificate renewal every 2 years. The draft states in relevant part:

An orthodontic EFDA or a general duties EFDA seeking certification renewal shall complete: (1)
Not less than 15 hours of Board-approved continuing education specifically designed to enhance

their clinical knowledge and ability to perform their duties; and (2) A 3-hour Board-approved course on infection control which shall count toward the required 15 hours of continuing education.

The draft does not require that the continuing education courses be conducted in-person, only that they enhance the dental assistant's clinical knowledge and ability to perform their duties. Under the regulations draft, an expanded function dental assistant may satisfy all of their continuing education requirements with online courses. The draft does not specify the individuals or entities that may provide the courses, and rightly so. Under the draft, individual dentists or dental hygienists would be permitted to complete a Board application and seek approval of continuing education courses for expanded function dental assistants. The Board would review the course content and qualifications of the instructor and make a decision whether the course satisfied the Board's requirement that the course enhance the dental assistant's clinical knowledge and ability. Unfortunately, under the bill, the only entities that would be permitted to provide continuing education, whether for purposes of continuing education in the normal course, or as a condition of reinstatement, would be the entities that provide for the initial education of an expanded function dental assistant and "Dental professional societies affiliated with national dental organizations." All others, including dental hygienist organizations affiliated with a national organization would be excluded. The result would be an unwarranted monopoly over continuing education which would be unprecedented. Under the Board's continuing education regulations, which have been in existence for decades, continuing education may be provided by any entity which meets the requirements. Individual dentists and dental hygienists may provide continuing education courses if the courses meet the appropriate criteria and are approved by the Board, and the same should be true with regard to continuing education for expanded function dental assistants.

For the foregoing reasons the Board requests that SB 792 receive an unfavorable report.

I hope that this information is helpful. If you would like to discuss this further, please contact me at 202-997-2606 or chiyo.alie@maryland.gov.

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

Sincerely,
Chiyo Alie, D.D.S.
Chiyo Alie, D.D.S.
Board President