The Maryland State Dental Association and the Maryland Society of Oral & Maxillofacial Surgeons Oppose HB 420 – Modernizing Civil Relief for Service Members Act

Respectfully Submitted by Daniel T. Doherty, Jr.

With great respect for our military personnel and for the sponsors of HB 420, the Maryland State Dental Association (MSDA) and the Maryland Society of Oral & Maxillofacial Surgeons (MSOMS) strongly oppose HB 420. The reasons for their objections include:

1. The bill attempts to treat authorization to practice more than 55 occupations the same – "one size fits all";
2. HB 420 would require the State Board of Dental Examiners (SBDE) to authorize a service member or spouse to practice dentistry without a Maryland licenses;
3. The authorization to practice dentistry without a license under this bill would take away SBDE's jurisdiction to discipline, or enjoin, an individual who is practicing in a manner that threatens the health and safety of patients and staff;
4. The bill prescribes that the individual's scope of practice and the requirements or limitations to perform certain procedures, are not governed by Maryland Law, but rather by the laws of another state; and
5. Most importantly, it ignores the Public Policy of Maryland for the regulation of all health occupations – to protect the health, safety and welfare of the citizens of Maryland. HB 420 overrides this public policy to benefit service members and their spouses, at the expense of all Marylanders.

HB 420 would be applicable to occupations ranging from operators of sports wagering - to haulers of fluid dairy products - to electricians - to bay pilots - to a licensed wrestler - to dentists, physicians and all health occupations. Every occupation should be viewed separately, and the regulation and authorization to practice in Maryland should be according to appropriate standards for that profession. Certainly, the right to practice in Maryland for all health care providers requires a review and analysis of the person's education curriculum, and their successful passage of clinical and other objective tests of competency. HB 420 would block a licensing authority's ability to conduct such a review and analysis before granting an individual the authority to practice in Maryland. This does not place the health and safety of Marylanders First.

The HB 420 requires that an applicant under this bill be granted the authority to practice dentistry, and that they cannot be required to obtain a Maryland license. This provision prohibits the SBDE's the ability to act when a dentist is, for example, violating infection control guidelines, providing dental services in an incompetent manner, or fails

to meet the standards of care. Without a license the SBDE is without the power to take action.

The bill's prescription that an individual's scope of practice is determined by another state's laws raises serious concerns for multiple health occupations. In dentistry it could literally lead to a patient's death. To illustrate, in Maryland the administering of general anesthesia in a dental office requires: a) that the office be permitted to assure it is properly equipped to administer the general anesthesia and to react if a medical crisis occurs; b) that the person administering the general anesthesia is properly qualified, i.e. an anesthesiologist, a dentist trained and permitted by the SBDE to administer general anesthesia; or a CRNA; and c) a second person who is also qualified to administer general anesthesia is present. Unlike a hospital or ambulatory surgical facility where multiple medical personnel are present, the only protection for a patient who experiences a medical crisis during the procedure are proper life-saving equipment and the two providers who are qualified under Maryland Law. However, if the requirements of the service member's state of licensure allows the administration of anesthesia under different circumstances, dental patients will be in jeopardy.

For these reasons the MSDA and the MSOMS request the HB 420 receive an unfavorable report.

Submitted by Daniel T. Doherty, Jr.
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