

Chapter 386

(Senate Bill 169)

AN ACT concerning

Health Occupations – Violations of the Maryland Dentistry Act – Penalties and Cease and Desist Orders

FOR the purpose of authorizing the State Board of Dental Examiners to issue a cease and desist order for certain violations; altering certain penalties for certain acts related to the unauthorized practice of dentistry or dental hygiene; ~~authorizing the Board to levy certain civil fines for certain violations under certain circumstances;~~ altering certain penalties for violating certain provisions of law related to dental laboratory work or advertising a dental appliance; providing for the application of certain provisions of this Act; repealing certain provisions of law that specify certain places of imprisonment; ~~providing for a delayed effective date;~~ and generally relating to cease and desist orders and penalties for violations of the Maryland Dentistry Act.

BY adding to

Article – Health Occupations
 Section 4–321
 Annotated Code of Maryland
 (2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations
 Section 4–606
 Annotated Code of Maryland
 (2014 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Health Occupations**4–321.**

IN ADDITION TO ANY OTHER PENALTIES OR DISCIPLINARY ACTIONS AUTHORIZED UNDER THIS TITLE, THE BOARD MAY ISSUE A CEASE AND DESIST ORDER FOR CONDUCT THAT:

- (1) IS IN VIOLATION OF § 4–601 OR § 4–602 OF THIS TITLE; OR**
- (2) VIOLATES ANY PROHIBITION IN SUBTITLE 4 OF THIS TITLE THAT RELATES TO DENTAL LABORATORY WORK.**

4-606.

(a) (1) [A] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, A person who practices or attempts to practice dentistry without a license in violation of § 4-601(a) of this subtitle or represents to the public in violation of § 4-602 of this subtitle that the person is authorized to practice dentistry is ~~guilty~~

~~(H) GUILTY~~ of a [misdemeanor] **FELONY** and on conviction is subject to:

[(1)] ~~(I)~~ For a first offense, a fine not exceeding [\$2,000] **\$5,000** or imprisonment [in jail] not exceeding [6 months] **1 YEAR**; or

[(2)] ~~(II)~~ For a subsequent offense, a fine not exceeding [\$6,000] **\$20,000 PER DAY** or imprisonment [in the State penitentiary] not exceeding [1 year] **5 YEARS**; ~~AND~~

~~(H) ON CONVICTION OR A PLEA OF NOLO CONTENDERE, SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO BE LEVIED BY THE BOARD.~~

(2) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO PRACTICES OR ATTEMPTS TO PRACTICE DENTISTRY WITHOUT A LICENSE IF THE PERSON'S LICENSE HAS BEEN EXPIRED FOR A PERIOD OF NOT MORE THAN 6 MONTHS.

(b) (1) [A] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, A person who practices or attempts to practice dental hygiene without a license in violation of § 4-601(a) of this subtitle, aids or abets unauthorized practice of dental hygiene in violation of § 4-601(b) of this subtitle, or represents to the public in violation of § 4-602 of this subtitle that the person is authorized to practice dental hygiene is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

(2) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO PRACTICES OR ATTEMPTS TO PRACTICE DENTAL HYGIENE WITHOUT A LICENSE IF THE PERSON'S LICENSE HAS BEEN EXPIRED FOR A PERIOD OF NOT MORE THAN 6 MONTHS.

(c) A person who violates any provision of Subtitle 4 of this title, which relates to dental laboratory work, or who advertises a dental appliance in violation of § 4-503(c) of this title is guilty of a [misdemeanor] **FELONY** and on conviction is subject to a fine not exceeding \$2,000 **PER DAY** or imprisonment [in jail] not exceeding [6 months] **2 YEARS**.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July 1, 2021~~ October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.