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Senate Education, Health, and Environment Committee
The Honorable Paul Pinsky
2 West Miller Senate Building
Annapolis, Maryland 21401-1991

RE: SB 169 – Violations of the Maryland Dentistry Act – Penalties and Cease and Desist Orders

Dear Chairman Pinsky and Members of the Committee:

Maryland's Dental Practice Act currently makes it a crime to practice dentistry without a license. However, it is merely a misdemeanor and subject to a relatively small fine and short potential period of incarceration. As a result, many state's attorneys decline to investigate and prosecute these cases.

The State Board of Dental Examiners has experienced blatant cases of the delivery of dental services by persons not licensed to practice dentistry, either in Maryland or in any of the other 49 states. Some of these cases involve persons from other countries who are attempting to treat dental disease in neighborhoods populated by others from those countries. Horror stories abound of people whose mouths have been seriously damaged by such unlicensed people. Efforts to refer such cases to the State's Attorney for the County (or City) where the unlicensed conduct occurred are frequently met with rejection, principally because the crime is not a felony, and the statutory punishments are minor.

Senate Bill 169 will brand the offense of practicing dentistry without a license as a felony, with the first offense punishable by a fine of not more than \$5,000 or imprisonment of not more than 1 year. For a subsequent offense, the fine ramps up considerably to up to \$20,000 per day, and the possible imprisonment increases to up to 5 years. In addition, the Board of Dental Examiners is given the power to impose a civil fine of up to \$50,000 on such an unlicensed person practicing dentistry.

The bill exempts from these rigorous penalties a dentist whose license has been expired for a period of 6 months or less in order to avoid penalizing careless dentists who miss the deadline for license renewals. Such stiff penalties are not unprecedented or even unusual. Under Section 14-606 of the Health Occupations Article, in the case of a first time offense, a person who practices medicine without a license is guilty of a felony, is subject to a fine of up to \$10,000, imprisonment for up to 5 years, or both and is subject to a civil fine of up to \$50,000.