



Board of Dental Examiners

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

Arpana S. Verma Board Chair – Francis X. McLaughlin, Jr., Executive Director

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March 22, 2022

The Honorable Shane E. Pendergrass
Chair, House Health and Government Operations Committee
Room 241, House Office Building
Annapolis, Maryland 21401-1991

Re: SB 159 - Health Occupations – Authorized Prescribers – Financial Reporting - Letter of Opposition

Dear Chair Pendergrass and Committee Members:

The Maryland State Board of Dental Examiners (the Board) is submitting this letter of opposition for Senate Bill (SB) 159 - Health Occupations - Authorized Prescribers - Financial Reporting. As introduced the bill required that health care providers with prescriptive authority, including dentists, who receive financial gratuities or incentives from a pharmaceutical distributor or manufacturer, to file a financial disclosure form with their respective Boards within 30 days of the receipt of the gratuity or incentive. Each Board, in its discretion, could then use the information to audit, investigate, or take disciplinary action against the prescriber.

As amended, if a dentist receives financial gratuities or incentives from a single or multiple pharmaceutical companies or manufacturers in a cumulative amount that exceeds \$5,000, the Board must review “**the prescribing history and patterns of the authorized prescriber [dentist] regarding all patients** of the authorized prescriber and determine whether to take action against the authorized prescriber.”

The Board opposes the amendments to SB 159 because the Board believes that the amendments are overreaching and will have a significant financial impact upon the Board. For example, if a dentist with 3,000 patients (a conservative figure for a full-time dentist) received a \$5,001 financial gratuity from a single pharmaceutical company, or if the dentist received a financial gratuity of \$3,000 from pharmaceutical company A, and a \$2001 financial gratuity from pharmaceutical company B in a single year, the Board will be required to investigate the dentist’s treatment of each of the dentist’s 3,000 patients. This will include reviewing 3,000 individual patient records. The time and expense to the Board will be tremendous. Although the Board could request that the dentist supply the names and records of only those patients who received specific prescriptions, the Board cannot always rely on its licensees to be truthful. If only 5 dentists received single or cumulative financial incentives in excess of \$5,000 a year, and each averaged having 3,000 patients, that would mean the review of 15,000 additional records. The Maryland Prescription Drug Monitoring Program would serve as a start for the investigation, but the Board could not escape the need to review all patient records. The Board sincerely believes that prescriptive abuse must be curbed, and indeed it investigates those cases in which

prescriptive abuse is reported, but the amendments will not prove to be an efficient manner of achieving that goal.

For these reasons the Board respectfully requests that SB 159 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, Mr. Frank McLaughlin may be reached at 443-878-5253, frank.mclaughlin@maryland.gov.

Sincerely,



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

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

