



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 4, 2022

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

Re: HB 968 - Health Occupations - Dental Assistants - Certification and Regulation - Letter of Concern

Dear Chairman Pendergrass and Committee Members:

The Maryland State Board of Dental Examiners (the Board) is submitting this letter of concern for House Bill (HB) 968 - Health Occupations - Dental Assistants - Certification and Regulation. This bill will establish a certification and regulatory scheme to certify dental assistants to perform certain intraoral procedures; specify the intraoral procedures a dental assistant is authorized to perform without being certified by the State Board of Dental Examiners and the intraoral procedures that require certification; and authorize the Board to penalize a licensed dentist who allows a dental assistant to provide dental care in an unauthorized manner or without required instruction or supervision.

Although the Board agrees with the premise of this legislation, there is concern that changing the scope of practice of dental assistants and contacting, and registering them by October 1, 2022 will not be an easy task. At the current time, the Maryland State Dental Board recognizes and certifies dental radiation technologists (DRT) of which there are 7,067. The Board also recognizes Qualified Dental Assistants (QDAs) and Certified Dental Assistants (CDAs); however, the Board only registers these individuals. There is a great deal of overlap between QDAs, CDAs, and DRTs. At this time, Expanded Function Dental Assistants are not recognized in Maryland. To be sure, the bill as written contains no provisions on how to properly grandfather existing certificate-holders and registrants to this new regulatory scheme, which would effectively nullify the registrations or certifications many of those individuals due to the fact that so much of the Board's current regulatory framework is found in its regulations.

Due to this overlap in duties and qualifications, the Board recommends **all** dental assistants be certified by the Board with ongoing renewals in order to ensure uniformity in skills as well as ensuring appropriate education, training, and oversight to protect our citizens. Another reason the Board suggests certifying all dental assistants is clarity for practitioners and the public. Having two classes of dental assistant - one certified and another not certified - will cause unnecessary confusion, especially if this bill were to take effect on October 1, 2022.

Moreover, any expansion in the scope of practice for dental assistants may bring with it attendant issues of oversight, discipline and responsibility. Who would be responsible for the assistant's performance or injury to a patient? The bill is silent on whether the newly created certified dental assistants could be disciplined by the Board or whether the Board could deny initial certificate for extant issues like discipline in another State, criminal history, or lying on a Board application. These issues need very specific discussion and focus prior to any adjustment of the scope of dental practice in this area.

Furthermore, in 2021, the General Assembly established the Task Force on Oral Health (Task Force) (2021 Senate Bill 100; 2021 House Bill 368). As established, the Task Force is a temporary committee of Maryland oral health experts charged with the study and analysis of the current landscape of oral health services in the State and making recommendations to improve access to services, especially for our most vulnerable citizens. One of the specific areas that the task force is currently reviewing are the roles and responsibilities of the dental team which they must submit an interim report on by May 1, 2022, and a final report by December 1, 2022, to the Governor and select General Assembly committees. The Board believes this bill would undercut the current work of the Task Force as it would enact concepts that the Task Force is already studying. Indeed, if the General Assembly values the work of the Task Force, it would be prudent to await its report before enacting legislation that would so substantially alter the landscape of dental care in the State of Maryland.

Again, the Board is very supportive of this concept, however, for the reasons stated, it cannot and should not be rushed. Furthermore, we should allow the Task Force to complete its work.

I hope that this information is helpful. If you would like to discuss this further, please contact me at (240) 498-8159, averma93@gmail.com, or Dr. Edwin Morris, the Dental 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 or frank,mclaughlin@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arpana s. Verma', with a long horizontal line extending to the right.

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

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