

# SENATE BILL 365

J2

9lr1921  
CF HB 448

---

By: **Senators West and Nathan-Pulliam**

Introduced and read first time: January 31, 2019

Assigned to: Education, Health, and Environmental Affairs and Judicial Proceedings

---

## A BILL ENTITLED

1 AN ACT concerning

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

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

13 BY adding to

14 Article – Health Occupations  
15 Section 4–321  
16 Annotated Code of Maryland  
17 (2014 Replacement Volume and 2018 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Health Occupations  
20 Section 4–606  
21 Annotated Code of Maryland  
22 (2014 Replacement Volume and 2018 Supplement)

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

25 **Article – Health Occupations**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-321.

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

5 (1) IS IN VIOLATION OF § 4-601 OR § 4-602 OF THIS TITLE; OR

6 (2) VIOLATES ANY PROHIBITION IN SUBTITLE 4 OF THIS TITLE THAT  
7 RELATES TO DENTAL LABORATORY WORK.

8 4-606.

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

13 (I) GUILTY of a [misdemeanor] FELONY and on conviction is  
14 subject to:

15 [(1)] 1. For a first offense, a fine not exceeding [\$2,000] \$5,000 or  
16 imprisonment [in jail] not exceeding [6 months] 1 YEAR; or

17 [(2)] 2. For a subsequent offense, a fine not exceeding [\$6,000] \$20,000  
18 PER DAY or imprisonment [in the State penitentiary] not exceeding [1 year] 5 YEARS; AND

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

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

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

31 (2) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO  
32 PRACTICES OR ATTEMPTS TO PRACTICE DENTAL HYGIENE WITHOUT A LICENSE IF

1 THE PERSON'S LICENSE HAS BEEN EXPIRED FOR A PERIOD OF NOT MORE THAN 6  
2 MONTHS.

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
8 1, 2020.