



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

Maryland State Board of Dental Examiners
Spring Grove Hospital Center • Benjamin Rush Building
55 Wade Avenue/Tulip Drive • Catonsville, Maryland 21228

March 31, 2021

The Honorable Paul G. Pinsky
Chair
Senate Education, Health, and Environmental Affairs Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

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

Re: Report to the Education, Health and Environmental Affairs Committee and the Health and Government Operations Committee – SB 306, Ch. 548, Laws of Maryland 2020

Dear Senator Pinsky and Delegate Pendergrass:

This report is submitted by the Maryland State Board of Dental Examiners in accordance with Section 2 of SB 306, Chapters 548, Laws of Maryland 2020, and in accordance with the Annotated Code of Maryland, State Government Article, § 2-1257. Pursuant to Section 2 of the bill the Board was directed to:

Provide the status of staff vacancies and the strategy and means used to fill those vacancies, and the Board's complaint and enforcement process for the past 5 years, including the numbers and types of complaints filed, the resolution rate and reasons for the length of time to resolve a complaint, the Board's process and timeline for handling complaints, and any other issues related to the Board's complaint and enforcement process.

The most significant issue that the Board has experienced over the past 3 years has been an understaffed Discipline Unit. Three of the four investigators moved on to work at other health

occupations Boards, leaving the Board with one investigator. Of the three open investigator positions, two candidates have been identified and their names submitted to HR pending approval and an offer of employment. The incumbent investigator, who was the Board's sole investigator for the previous 8 months, was recently promoted to Chief Investigator, a position well deserved. His prior position as investigator will be posted shortly.

The Compliance Manager position opened up when the incumbent was selected for the Executive Director position at another Board. The Computer User Support position opened after the incumbent moved on to work at another state Board.

I am currently working with the Department Human Resources to fill all of these positions and hope to get fully staffed in the near future.

With respect to the complaint and enforcement process please see Attachment 1.

With respect to the Board's process for handling complaints, please see Attachment 2.

Mitigating Factors in Timeliness of Closure of Discipline Cases

1. Bad address, mail returned.
2. Request for additional time beyond initial 14 days granted in subpoena.
3. Receipt of response, then request for appointment book because of a pattern of substandard care or fraud.
4. Review of appointment book and subpoena for additional patient records.
5. Request for missing records or records of diagnostic quality.
6. Subpoenas issued to dentists who subsequently treated the complainant.
7. Review of records by the Board's Dental Compliance Officer.
8. Expert witnesses must be obtained and approved on a case-by-case basis.
9. Referral to Office of Attorney General for review and issuance of charges, and subsequent prosecution.
10. Orders – Case not considered closed until provisions of the Order are satisfied. Can add years to closure date.

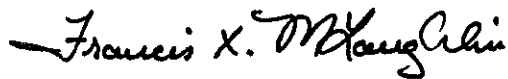
According to the Board's investigator, the type of case usually dictates the time it will take to thoroughly investigate, and report to the Board. For example, the investigator has found that:

- **INFECTION CONTROL / CDC**- Less than 30 days.
- **STANDARD OF CARE**- Most of these are going to be 60-90 days, but it depends upon the level of complexity contained in the Complaint.
- **DRUGS AND ALCOHOL**- Investigation frequently depends upon the judicial system or the cooperation of other state or federal agencies or jurisdictions. 90+ days.

- **CRIMINAL CONVICTION**- Investigation relatively easy to conclude within 30-45 days, however, when respondents have appealed the Board's findings, 90+ days.
- **RECIPROCAL ACTION**- Investigation completely relies upon the cooperation of another board or jurisdiction. 90+ days.
- **UNPROFESSIONAL CONDUCT**- Most investigations are concluded in less than 60 days, The Board has one case that is 90+ days old.

I began as the Dental Board's Executive Director in 2019. Now that I have had an opportunity to get acclimated, I am in a better position to try to fill the remaining open positions and plan for the future. The Board is attempting to keep pace with the growing number of licensees and to ensure that it is well equipped to address complaints in a timely manner and maintain the safety of the citizens of Maryland. With proper staffing I am confident that this can be accomplished.

Very truly yours,



Francis X. McLaughlin
Executive Director
State Board of Dental Examiners

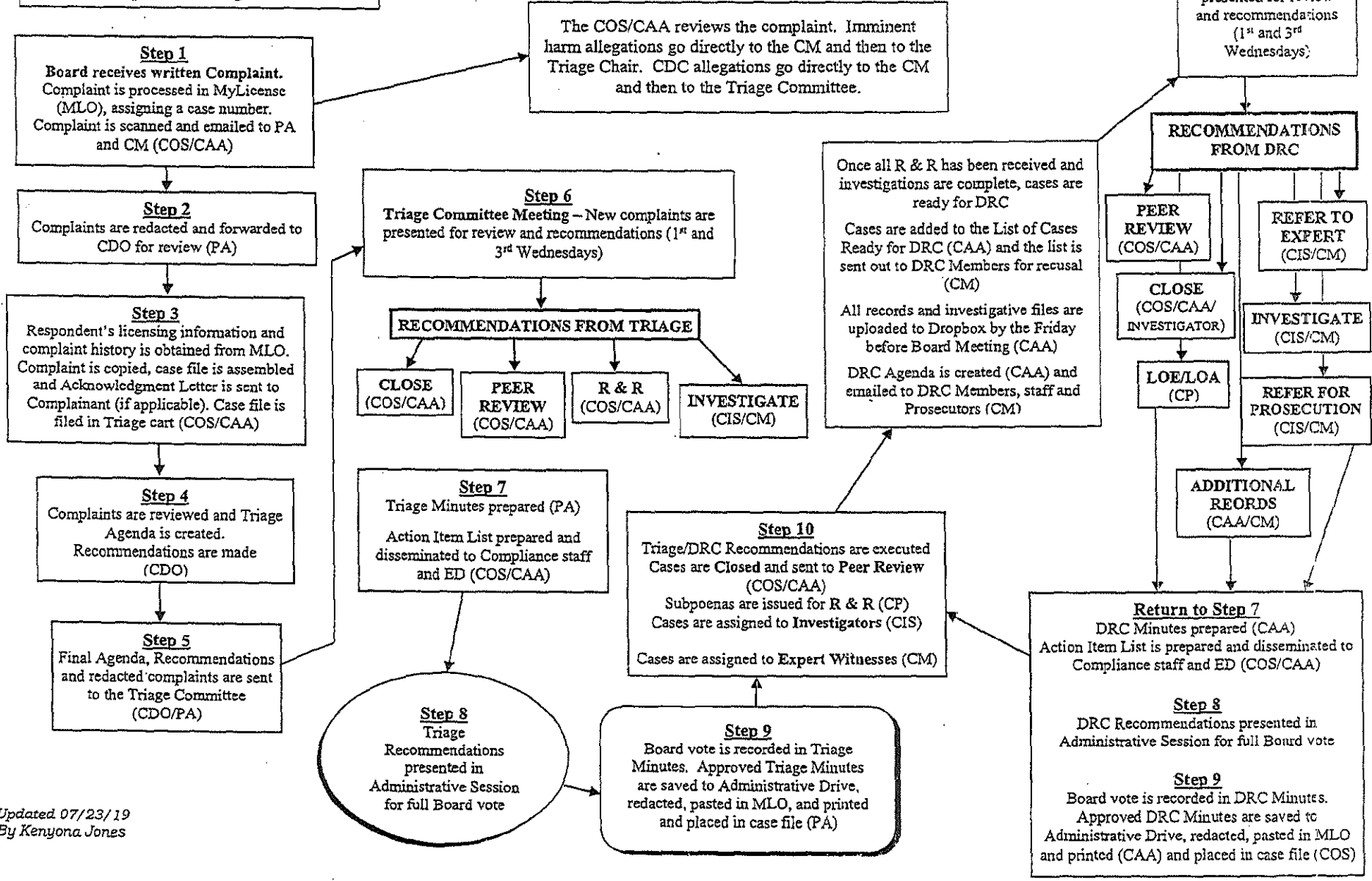
cc: Honorable Bill Ferguson, President of the Senate
Honorable Adrienne A. Jones, Speaker of the House
Honorable Ariana B. Kelly, Chair, Health Occupations and Long-Term Care Subcommittee
Sarah T. Albert, Mandated Report Specialist, Dept. of Legislative Services (5 copies)
Webster Ye, Chief of Staff, Maryland Department of Health

Attachment 1

Disciplinary Activities	FY 2017	FY 2018	FY 2019	FY 2020	FY 21
# of Complaints	234	264	158	174	149
# of Board Orders	36	22	58	43	22
# of Cases Closed w/o Orders	204	194	85	76	36
Average # of Days to Close	148	154	115	140	35
# of Open Pending Cases	27	62	67	72	113
Top 5 Violation Categories	Standard of Care; Infection Control Guidelines; Unprofessional Conduct; Fraud; Drugs & Alcohol				

**MARYLAND STATE BOARD OF DENTAL EXAMINERS
TRIAGE/DRC PROCESS FLOW CHART
(FOR INTERNAL USE)**

- PA Project Assistant
- COS Compliance Office Secretary
- CDO Chief Dental Officer
- CM Compliance Manager
- CAA Administrative Aide
- CIS Compliance Investigator Supervisor
- CP Compliance Paralegal



Updated 07/23/19
By Kenyona Jones