



PRESS RELEASE

Consumer Advisory: Reopened Dental Practices Could be Violating the Consumer Protection Act by Charging Consumers for Enhanced Infection Controls

BALTIMORE, MD (June 12, 2020) - Maryland Attorney General Brian E. Frosh is alerting consumers to surcharges by some dental providers that could violate the Consumer Protection Act. Dentists may once again provide elective and non-urgent care if they comply with the Secretary of Health's May 6, 2020 Order requiring enhanced infection controls, but some providers may be improperly imposing additional fees.

"Consumers have notified us that some reopened practices are collecting additional, upfront amounts for the costs of enhanced infection controls, including personal protective equipment," said Attorney General Frosh. "Many dental insurance agreements prohibit certain upfront fees and consumers should be aware that this practice may violate the Consumer Protection Act."

Complaints have generally referenced fees in the range of \$10 - \$20 per visit, but the Office has also heard anecdotally about charges as high as \$172.

Attorney General Frosh's Consumer Protection Division also sent a [letter](#) today to the Maryland State Board of Dental Examiners and the Maryland State Dental Association alerting the dental provider community to the Office's position that imposing additional fees, particularly those charged upfront to all patients, may violate the Consumer Protection Act's prohibition against unfair or deceptive trade practices. Provider-carrier contracts, as well as public and private insurance laws, typically prohibit participating providers from charging such fees to insured consumers.

In the letter, the Division acknowledged that during this emergency, many consumers and dental providers are facing financial challenges, stating, "Maryland's unemployment rate officially reached 9.9% at the end of April due to the COVID-19 emergency, and consumers are contending with losses of income and benefits that are devastating to them. Our office has little doubt that the dental provider community is also facing financial challenges but trust you will work with us to protect consumers as our laws intend so they may be able to afford the dental care they need."

Consumers may contact the Attorney General's Health Education and Advocacy Unit (HEAU) with questions or complaints. The HEAU will investigate the complaint and mediate a billing dispute with the dental provider. Complaints may be filed at

www.MarylandCares.org. Consumers may also call the HEAU hotline at 410-528-1840, 410-230-1712 (en Español), or email HEAU@oag.state.md.us.