

IN THE MATTER OF

*

BEFORE THE MARYLAND

CHINH N. LE, D.D.S.

*

STATE BOARD OF

Respondent

*

DENTAL EXAMINERS

License Number: 13448

*

Case Number: 2021-003

* * * * *

CONSENT ORDER

In or around November 2023, the Maryland State Board of Dental Examiners (the “Board”) opened an investigation of **CHINH N. LE, D.D.S** (the “Respondent”), License Number 13448. Based on its investigation, the Board determined that it had grounds to charge the Respondent with violating a Consent Order dated October 20, 2021 that he entered into with the Board.

The Board based its action on the Respondent’s violation of the following provisions of the Consent Order dated October 20, 2021:

5. The Respondent shall, at all times, practice dentistry in accordance with the Act, related regulations, and shall comply with CDC and Occupational Safety and Health Administration’s (“OSHA”) guidelines on infection control for dental healthcare settings, including enhanced COVID-19 related precautions;
7. The Respondent is fined in the amount of **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2500)**, due within sixty (60) days to the Board;
8. Within three (3) months of the date of the reinstatement of the Respondent’s license, the Respondent shall successfully complete a Board-approved in-person (or, if in-person courses are not available due to the current State of Emergency, then by video-conference) four (4) credit hour course(s) in infection control protocols, presented by a board-approved instructor, which may not be applied toward his license renewal.

9. Within three (3) months of the date of the reinstatement of the Respondent's license, the Respondent shall successfully complete a Board-approved in-person (or, if in-person courses are not available due to the current State of Emergency, then by video-conference) two (2) credit hour course(s) in ethics, presented by a board-approved instructor, which may not be applied toward his license renewal.

On July 10, 2024, a Case Resolution Conference was held before a committee of the Board. As a resolution of this matter, the Respondent agreed to enter into this public Consent Order consisting of the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following findings of fact:

1. On or about July 8, 2020, the Board received a complaint alleging, among other things, that there were substandard infection control practices at the Respondent's office, a private dentistry practice in Gaithersburg, Maryland (the "Office"). Based upon the complaint, the Board initiated an investigation of the Office's compliance with the Centers for Disease Control and Prevention ("CDC") guidelines. On December 8, 2020, a Board-assigned infection control inspector visited the Office and conducted a CDC inspection. The Board inspector reviewed the policies and procedures of the Office as well as directly observed Office personnel and patient care practices. Based upon the observations made by the Board inspector, the Respondent, as the owner of the Office, failed to ensure compliance with CDC guidelines at the Office.

2. At the time of the investigation, the Respondent was licensed to practice dentistry in the State of Maryland. The Respondent was initially licensed to practice dentistry in Maryland on September 1, 2004 under License Number 13448.
3. On October 20, 2021, the Respondent resolved the Board's investigation by entering into the Consent Order that reprimanded him and placed him on probation for a period of two years. The probationary terms and conditions of the Consent Order in part required the Respondent to practice dentistry in accordance with the Maryland Dentistry Act and related regulations; comply with CDC and OSHA guidelines on infection control for dental healthcare settings, including enhanced COVID-19 related precautions; enroll in and successfully complete Board-approved courses on ethics and infection control within three months of the date of the Consent Order; and pay a fine in the amount of \$2,500 within sixty days.
4. Under the Consent Order, the Respondent's Office would undergo periodic inspections to ensure the Respondent's compliance with CDC guidelines. A Board inspector was assigned to conduct inspections at the Respondent's Office and provided quarterly inspection reports from visits that occurred on March 23, 2023, April 19, 2023, and September 27, 2023. The inspections from the three visits noted compliance deficiencies. The reports were reviewed by the Board and the Board advised the Respondent to correct the deficiencies. To date, the Respondent has not corrected the deficiencies.

5. Under the Consent Order, the Respondent was required to pay a fine in the amount of \$2,500 within 60 days of the date of the Consent Order. To date, the Board has not received payment of the fine.
6. Under the Consent Order, the Respondent was required to successfully complete a Board-approved in-person (or, if in-person courses were not available due to the State of Emergency, then by video conference) four (4) credit hour course(s) in infection control protocols, presented by a board-approved instructor. To date, the Respondent has not provided the Board with proof of successful completion of the infection control protocols course(s).
7. Under the Consent Order, the Respondent was required to successfully complete a Board-approved in-person (or, if in-person courses were not available due to the State of Emergency, then by video conference) two (2) credit hour course(s) in ethics, presented by a board-approved instructor. To date, the Respondent has not provided the Board with proof of successful completion of the ethics course(s).
8. The Respondent's failure to correct deficiencies identified in the March 23, 2023, April 19, 2023, and September 27, 2023 inspections constitute a violation of Condition 5 of his probation and of the Consent Order.
9. The Respondent's failure to pay the \$2500 fine constitutes a violation of Condition 7 of his probation and of the Consent Order.

10. The Respondent's failure to successfully complete four hour course(s) in infection control protocols constitutes a violation of Condition 8 of his probation and of the Consent Order.
11. The Respondent's failure to successfully complete two hour course(s) in ethics constitutes a violation of Condition 9 of his probation and of the Consent Order.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact set forth above, the Respondent violated Condition 5, Condition 7, Condition 8, and Condition 9 of the October 20, 2021 Consent Order.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the affirmative vote of a majority of the Board considering this case:

ORDERED that the Respondent shall be placed on **PROBATION** for a period of **SIX (6) MONTHS** in addition to the probationary period set forth in the October 20, 2021 Consent Order under the following terms and conditions:

1. A Board-assigned inspector shall conduct two unannounced inspections during the six month period of probation in order to evaluate the Respondent and staff regarding compliance with the Act and infection control guidelines. The Board-assigned inspector shall be provided with copies of the Board file, the Consent Order, and any other documentation deemed relevant by the Board;
2. On a continuing basis, the Respondent shall provide to the Board-assigned inspector a schedule of the Office's regular weekly hours of practice and promptly apprise the consultant of any changes;

3. The Board-assigned inspector shall provide inspection reports to the Board within ten (10) business days of the date of each inspection and may consult with the Board regarding the findings of the inspection;
4. The Respondent shall, at all times, practice dentistry in accordance with the Act, related regulations, and shall comply with CDC and Occupational Safety and Health Administration's ("OSHA") guidelines on infection control for dental healthcare settings, including enhanced COVID-19 related precautions; and
5. At any time during the period of probation, if the Board makes a finding that the Respondent is not in compliance with CDC and/or OSHA guidelines, the Respondent shall immediately contact the Board and correct the infractions within seven (7) days and shall be subject to a repeat inspection within seven (7) days to confirm that the violation has been remedied.
6. The Respondent is fined in the amount of **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2500)**, due within ninety (90) days to the board;
7. Within thirty (30) days of the effective date of this Consent Order, the Respondent shall successfully complete and submit to the Board proof of completion of a Board-approved in-person four (4) credit hour course(s) in infection control protocols, presented by a board-approved instructor, which may not be applied toward his license renewal.
8. Within thirty (30) days of the effective date of this Consent Order, the Respondent shall successfully complete and submit to the Board proof of completion of a Board-approved in-person two (2) credit hour course(s) in ethics, presented by a board-approved instructor, which may not be applied toward his license renewal.

AND IT IS FURTHER ORDERED that the Respondent shall at all times cooperate with the Board, any of its agents or employees, and with the Board-assigned inspector, in the monitoring, supervision and investigation of the Respondent's compliance with the terms and conditions of this Consent Order, and it is further

ORDERED that, unless otherwise ordered by the Board for early termination of probation, the Respondent may submit a written petition to the Board requesting

termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board. The Board shall grant termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending investigations or outstanding complaints similar to the violations in this Consent Order; and it is further

ORDERED that if the Respondent allegedly fails to comply with any term or condition of probation or this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be an evidentiary hearing before the Board. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board; and it is further

ORDERED that after the appropriate hearing, if the Board determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice dentistry in Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred under this Consent Order; and it is further

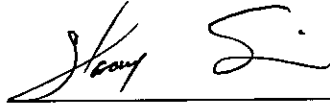
ORDERED that the Effective Date of this Consent Order is the date on which the Consent Order is executed by the Board President, and it is further

ORDERED that this is a Final Order and such is a **PUBLIC DOCUMENT**

pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

9/18/2024

Date

A handwritten signature in black ink, appearing to read 'Stacey Scriven', written over a horizontal line.

Stacey Scriven, MSM
Executive Director
Maryland State Board of Dental Examiners

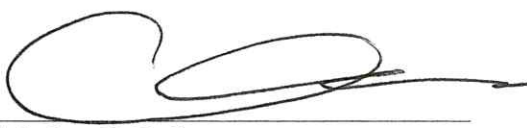
CONSENT

By this Consent, I, Chinh Le, D.D.S., agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had the opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order and understand its effect.

Date 8/12/24


Chinh Le, D.D.S.
Respondent

COPY

RECEIVED

AUG 15 2024

BOARD OF DENTAL EXAMINERS

NOTARY PUBLIC

RECEIVED

AUG 15 2024

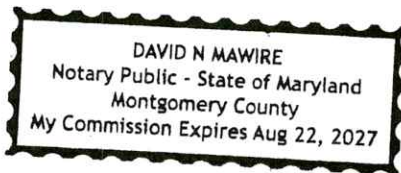
BOARD OF DENTAL EXAMINERS

STATE OF MARYLAND

CITY/COUNTY OF: MONTGOMERY

I HEREBY CERTIFY that on this 12th day of August 2024,
before me, a Notary Public of the State and County aforesaid, personally appeared Chinh
Le, D.D.S., and gave oath in due form of law that the foregoing Consent Order was his
voluntary act and deed.

AS WITNESS, my hand and Notary Seal.



Notary Public

A handwritten signature in black ink, appearing to read "D Mawire".

My commission expires: August 22, 2027

COPY