

IN THE MATTER OF

KIMBERLY BURROUGHS, D.D.S.

Respondent

License Number: 12738

* BEFORE THE MARYLAND

* STATE BOARD OF

* DENTAL EXAMINERS

* Case Numbers: 2019-081

* * * * *

CONSENT ORDER

On or about October 13, 2021, the Maryland State Board of Dental Examiners (the "Board") charged **KIMBERLY BURROUGHS, D.D.S.** (the "Respondent"), License Number 12738, under the Maryland Dentistry Act (the "Act"), codified at Md. Code Ann., Health Occ. ("Health Occ.") §§ 4-101 *et seq.* (2021 Repl. Vol.) and the regulations adopted by the Board.

Specifically, the Board charges the Respondent with violating the following provisions of the Act:

Health Occ. § 4-315. Denials, reprimands, probations, suspensions, and revocations -- Grounds.

(a) *License to practice dentistry.* -- Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

(19) Provides a dental service in a manner that is significantly inconsistent with generally accepted professional standards of care in the practice of dentistry, regardless of whether actual injury to the patient occurs; [and]

(20) Violates any rule or regulation adopted by the Board[.]

Pursuant to § 4-315(a)(20), the pertinent regulations are as follows:

COMAR 10.44.30.02. General Provisions for Handwritten, Typed and Electronic Health Records.

K. Dental records shall:

(5) Document all data in the dentist's possession pertaining to the patient's dental health status;

COMAR 10.44.30.03. Clinical Charts.

A. Each patient's clinical chart shall include at a minimum the following:

(16) Copies of correspondence and reports provided to other health care providers, diagnostic facilities, and legal representatives;

(17) Records and reports provided by other health care providers and diagnostic facilities; [and]

(18) Details regarding referrals and consultations[.]

On or about December 15, 2021, following a Case Resolution Conference, the Respondent and the Board agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

I. BACKGROUND

1. At all times relevant, the Respondent was and is licensed to practice dentistry in the State of Maryland. The Respondent was originally licensed to practice

dentistry in Maryland on January 2, 2002, under License Number 12738. The Respondent's dental license is scheduled for renewal on or before June 30, 2022.

2. At all times relevant, the Respondent maintained an office for the practice of dentistry in Gambrills, Maryland.

II. COMPLAINT

3. On or about December 26, 2018, the Board received a complaint from the family member (the "Complainant") of a patient (the "Patient") of the Respondent.¹ The complaint alleged *inter alia* that the Respondent breached the standard of care when she excessively medicated the Patient in preparation for an extraction and then failed to stabilize the Patient before discharging her. The complaint also alleged that following the extraction, the Patient required hospitalization because she was "in a delirious state."

4. Based on the complaint, the Board initiated an investigation.

III. INVESTIGATION

5. As part of its investigation, the Board issued a subpoena to the Respondent for the dental records of the Patient and requested a narrative response from the Respondent. The Board also obtained the Patient's medical records from her hospitalization.

6. The Board then referred the Patient's records to a licensed dentist (the "Expert") for a review.

¹ To ensure privacy, the names of certain individuals involved in this case are not disclosed in this document. The Respondent may obtain the identity of the referenced individuals or entities in this document by contacting the administrative prosecutor.

7. Based on his review, the Expert concluded that the care provided by the Respondent was “a significant deviation from standard of care” and was “incompetent.”

IV. SUMMARY OF RELEVANT PATIENT CARE

8. The Patient, a female born in the 1940s, initially sought treatment with the Respondent on or about May 8, 2018.

9. On that date, the Respondent took individual and panoramic radiographs, and noted “Pt needs new upper complete denture and an immediate lower denture after ext of 22, 27 root tips and ext 23-26 -- needs sedation for this appt.”

10. The clinical note stated “Pt very anxious[;] has bad history w/ dentist[s;] recomm sedation.”

11. Also on May 8, 2018, the Respondent prescribed the Patient lorazepam 1mg, four tablets.²

12. On May 22, 2018, the Respondent saw the Patient again, at which time impressions were taken for the upper and lower dentures. The Patient had not taken the lorazepam.

13. On June 14, 2018, the Patient was fitted with a wax model of the upper and lower dentures. The Patient had not taken the lorazepam previously prescribed to her by the Respondent.

14. Also on June 14, 2018, the Respondent prescribed another four 1 mg tablets of lorazepam. The Respondent did not fill this prescription.

² Lorazepam is a benzodiazepine used to treat anxiety, often sold under the brand name Ativan.

15. Completion of treatment was postponed from June 25, 2018 to November 14, 2018, after the Patient fell and broke her arm, and was also in an auto accident.

16. On October 30, 2018, in preparation for insertion of the completed dentures and removal of the remaining mandibular teeth, the Respondent wrote a third prescription for lorazepam. The Respondent instructed the Patient to take two tablets eight hours prior to the appointment and two tablets one hour prior to arriving at the next appointment.

17. On November 14, 2018, the Respondent completed the insertion and the extraction. In preparation for the visit, the Patient took the lorazepam as instructed by the Respondent.

18. At the conclusion of the treatment, the Patient required assistance to walk to her car.

19. After being driven home by a family member, the Patient required emergency medical services to help her get to her inside her house and to her bed. The Respondent's notes state: "I advised to call the EMT to have them assist and [decide] if the Pt needed a reversal of meds or to be taken to the hospital."

20. The following day, the Patient was admitted to the hospital, where she stayed for two days.

21. The Respondent's last clinical note, dated November 20, 2018, documents a phone call from the Respondent to the Patient, stating that the Patient "mixed psychiatric meds with Ativan [lorazepam] which caused her to be in a deep drugged state."

22. The Patient's records, received from the Respondent, include a medical history dated July 26, 2018. The Respondent did not document any Patient visit on this date.

23. The medical history notes "psychiatric problems" and lists the medications the Patient was taking. These include multiple psychiatric medications.

V. EXPERT REVIEW

24. In the opinion of the Expert, the Respondent's treatment significantly deviated from the standard of care in that the Respondent failed to document the Patient's medical history until after treatment was started, including prescribing lorazepam, nor did she note any review of the medical history in the record.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's care and treatment of the Patient, as described above, constitutes: providing a dental service in a manner that is significantly inconsistent with generally accepted professional standards of care, in violation of Health Occ. § 4-315(a)(19); and violating a rule or regulation adopted by the Board (as cited above), in violation of Health Occ. § 4-315(a)(20).

ORDER

It is, on the affirmative vote of a majority of the Board, hereby:

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that the Respondent shall be placed on **PROBATION** for a minimum period of **TWELVE (12) MONTHS** under the following terms and conditions:

- i. Within six (6) months of the date of the execution of the Consent Order, 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 recordkeeping**;
- ii. Within six (6) months of the date of the execution of the Consent Order, 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 professional ethics**;
- iii. Within six (6) months of the date of the execution of the Consent Order, 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 emergency patient management**;
- iv. During the period of probation, the Board shall at its discretion conduct record reviews of the Respondent's practice at least quarterly. The record reviews shall each consist of a review of a selection of patient records of the Respondent by the Board or a designated expert reviewer. In order to facilitate the Board's selection of patient records for review, the Respondent shall provide the Board with a complete copy of her appointment book by the first week of each calendar month during the period of probation;
- v. During the period of probation, the Respondent shall immediately inform the Board in writing in detail of her dental employment changes;
- vi. If the Respondent ceases practice altogether, a lack of patients shall not by itself constitute a violation of the terms of the Consent Order. In such case, instead of submitting her appointment book, the Respondent shall make a written certification that she intends to treat no patients for that month. If, after certifying to the Board her intention to treat no patients in a given month, the Respondent does in fact treat a patient during that month, the Respondent shall immediately inform the Board in writing of the name, address, and treatment rendered for each patient treated; and
- vii. The Respondent shall at all times practice in accordance with the Maryland Dentistry Act and the Board's regulations.

And it is further **ORDERED** that no part of the training or education that the Respondent receives in order to comply with the Consent Order may be applied to her required continuing education credits; 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 the Respondent shall be responsible for all costs incurred under this Consent Order; and it is further

ORDERED that after a minimum of twelve (12) months from the effective date of the Consent Order, 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 related to the findings of fact in the Consent Order; and it is further

ORDERED that if the Respondent allegedly fails to comply with any term or condition of probation or the 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 the 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 Consent Order is a public document pursuant to Md. Code Ann., Md. Code Ann., Gen. Prov. §§ 4-101 et seq. (2019).

1/18/2022
Date

Francis X. McLaughlin, Jr.
Francis X. McLaughlin, Jr., Executive Director
Maryland State Board of Dental Examiners

CONSENT

By this Consent, I, Kimberly Burroughs, 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.

1/14/2022
Date

Kimberly Burroughs, D.D.S.
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF: Anne Arundel City

I HEREBY CERTIFY that on this 14th day of January 2021, before me, a Notary Public of the State and County aforesaid, personally appeared Kimberly Burroughs, D.D.S., and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Mary Helen Licano 1/14/22

Notary Public

Mary Helen Licano

My commission expires: *January 6, 2025*