

IN THE MATTER OF
BRUCE E. YUILLE, D.D.S.
Respondent

License Number: 6192

*** BEFORE THE MARYLAND**
*** STATE BOARD OF**
*** DENTAL EXAMINERS**
*** Case Number: 2021-163**

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CONSENT ORDER

In or around April 2021, the Maryland State Board of Dental Examiners (the “Board”) opened an investigation of **BRUCE E. YUILLE, D.D.S.** (the “Respondent”), License Number 6192. Based on its investigation, the Board determined that it has grounds to charge the Respondent with violating the Maryland Dentistry Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 16-101 *et seq.* (2021 Repl. Vol.).

The pertinent provisions of the Act provide:

Health Occ. § 4-315

- (a) *License to practice dentistry.* – Subject to the hearing provisions of § 4-318 of this subtitle, the Board may ... reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the ... licensee:
 - (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession; [and]
 - (30) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control’s guidelines on universal precautions[.]

Prior to the Board issuing disciplinary charges, the Respondent agreed to enter 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. LICENSING 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 July 8, 1976, under License Number 6192. The Respondent's license is current through June 30, 2022.

2. At all times relevant, the Respondent practiced general dentistry at a dental practice (the "Practice")¹ located in Randallstown, Maryland.

3. On or about April 16, 2021, the Board received a complaint from a patient (the "Complainant") alleging that the Respondent provided dental care to her without following proper protocols for the use of personal protective equipment ("PPE"). Specifically, the Complainant alleged that the Respondent took his gloves off then placed them back on while working on her teeth.

4. Based on the complaint, the Board initiated an investigation of the Respondent and his Practice.

¹ To ensure confidentiality, the names of individuals, hospitals and healthcare facilities 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.

II. INFECTION CONTROL INSPECTION

5. Due to allegations of improper use of PPE, on or about November 23, 2021, a Board-contracted infection control expert (the "Board Inspector") and a Board investigator visited the Practice for the purpose of conducting an infection control inspection.

6. The Board Inspector and the Board investigator arrived at the Practice at approximate 5:00 p.m. and met with the Respondent and his receptionist ("Employee A"). The Board Inspector and the Board investigator introduced themselves and explained the purpose of their visit.

7. At the start of the inspection, the Board Inspector noted the following individuals on the premises: the Respondent and Employee A. The Board Inspector further noted that patients were scheduled to be seen at 6:00 p.m.

8. The Board Inspector initially requested the Respondent to provide her with the Practice's manuals and records relating to infection control. The Respondent stated that the materials were not kept at the Practice but were kept at his Catonsville location.

9. As part of the inspection, the Board Inspector utilized the Centers for Disease Control and Prevention Infection Prevention Checklist for Dental Settings.

10. During the inspection, the Board Inspector was able to directly observe patient treatment by the Respondent.

11. Based on the inspection, the Board Inspector found the following CDC violations:

Section I: Policies and Practices

- a. **Administrative Measures** – The Respondent failed to maintain at the Practice written infection prevention policies and procedures specific for the dental setting; reassess and update the policies and procedures at least annually; assign an individual trained in infection prevention the responsibility of coordinating the program; make available supplies necessary for adherence to Standard Precaution; and have a system for early detection and management of potentially infectious persons.
- b. **Infection Prevention Education and Training** – The Respondent failed to maintain at the Practice a training log of personnel training (upon hire and annually) on infection prevention and bloodborne pathogens standards.
- c. **Dental Health Care Personnel Safety** – The Respondent failed to maintain at the Practice: documentation on personnel testing and vaccination requirements; needlestick injury guidelines; post infection protocols or injury log; posting to address the monitoring of infectious diseases; posting of “Cover Your Cough” or “We Take Precautions for You;” tissues and hand sanitizers at reception area; and evaluation log of monitoring of staff symptoms.

- d. **Program Evaluation** – The Respondent failed maintain at the Practice written policies and procedures for routine monitoring and evaluation of infection prevention and control program.
- e. **Hand Hygiene** – The Respondent failed to maintain at the Practice written protocols on hand hygiene.
- f. **Personal Protective Equipment (PPE)** – The Respondent failed to maintain at the Practice documentation regarding training to specifically select, don, or doff PPE. The Respondent and Employee A failed to maintain proper positioning of PPE at all time.
- g. **Respiratory Hygiene/Cough Etiquette** – The Respondent failed to maintain at the Practice documentation on policies and procedures to contain respiratory secretions in people who have signs and symptoms of a respiratory infection; and staff members having received training on the importance of containing respiratory secretions.
- h. **Sharps Safety** – The Respondent failed to maintain at the Practice: a staff training log on Sharps Safety; and written policies, procedures and guidelines for exposure prevention and post-exposure management.
- i. **Safe Injection Practices** – The Respondent failed to maintain at the Practice written policies, procedures, and guidelines for safe injection practices.

- j. **Sterilization and Disinfection of Patient-Care Items and Devices**
 - The Respondent failed to maintain at the Practice written documentation of protocol that: outlines the practice specific procedure in regard to the sterilization of patient care reusable items; required training at the time of hire or upon change of procedure; or required monitoring of biological testing of equipment used for processing reusable items.
- k. **Environmental Infection Prevention and Control** – The Respondent failed to maintain at the Practice: written protocol specific to the Practice for evaluation, training, or procedure to be followed for required environmental cleaning and disinfection of clinical contact surfaces; or written documentation of required training of staff assigned to cleaning and disinfection.
- l. **Dental Unit Water Quality** – The Respondent failed to maintain at the Practice written protocols specific to the Practice: outlining and testing of waterline quality; managing post treatment flushing of waterline; or addressing the policy to follow in the event of a Boil Water Advisory.

Section II: Direct Observation of Personnel and Patient-Care Practices

- m. **Performance of Hand Hygiene** – The Board Inspector observed the Respondent failing to: wash hands with soap before donning exam

gloves; wash hands with soap post treatment after removing gloves.

The Board Inspector also observed inconsistent hand hygiene by Employee A after removing gloves and before donning a new pair.

The Board Inspector did not observe any posting of hand hygiene protocol in treatment area, instrument processing area, or bathrooms.

- n. **Use of Personal Protective Equipment (PPE)** – The Board Inspector observed the Respondent: reusing disposable gown; frequently wearing pleated ear loop mask below nose; exposing skin between glove and gown; and failing to wear hair covering. The Board Inspector observed Employee A not wearing safety glasses or face shield when assisting the Respondent during patient treatment.
- o. **Respiratory Hygiene/Cough Etiquette** – The Board Inspector did not observe any: posting of “Cover Your Cough” or “We Take Precautions” posting in the reception/waiting area; or availability of hand sanitizer and tissues in the waiting area for patient use.
- p. **Sharps Safety** – The Board Inspector observed one sharps container placed behind dental lab boxes, which was difficult to access.
- q. **Safe Injection Practices** – The Board Inspector did not make any direct observation of the use of sharps during patient treatment and none was warranted.

- r. **Sterilization and Disinfection of Patient-Care Items and Devices**
 - The Board Inspector noted that the instrument processing area did not allow for a “Single Loop” sequence. The Respondent did not have a maintenance log for sterilization of instruments. The Board Inspector observed instrument pouches not identified as to the date of processing. Dental high and low handpieces were opened and connected prior to patient arrival.
- s. **Environmental Infection Prevention and Control** – The Respondent utilized consumer grade disinfectant that did not have the TB kill rate and was not classified as hospital grade.
- t. **Dental Unit Water Quality** – The Respondent failed to flush the dental unit waterline after patient treatment. The Respondent had the waterline treatment maintenance log but not the testing log.

12. Based on the observations made by the Board Inspector, the Respondent failed to ensure compliance with CDC Guidelines at the Practice. However, after being contacted by the Office of the Attorney General, the Respondents engaged a Board-approved infection control specialist in to ensure the Practice was in full compliance of CDC Guidelines. The infection control specialist has since issued a report with photo attachments detailing corrective actions taken by the Practice to ensure full compliance with CDC Guidelines.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's conduct, as described above, constitutes violations of the Act as cited above, specifically: the Respondent's conduct as described above, including but not limited to failing to ensure compliance with the CDC Guidelines at the Office as described above, constitutes: behaving dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession, in violation of Health Occ. § 4-315(a)(16); and failing to comply with Centers for Disease Control's guidelines on universal precautions, in violation of Health Occ. § 4-315(a)(30).

ORDER

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

ORDERED that the Respondent shall ensure that the Respondent's dental practice, located at 5310 Old Court Road, Suite 203, Randallstown, Maryland 21133, immediately ceases all dental treatment until the Board issues a separate Order terminating this provision (the "**Order Lifting Voluntary Cessation**"); and it is further

ORDERED that upon the Board's receipt of verified documentation that the Respondent has formally retained the services of a qualified Board-approved infection control consultant and that the consultant has issued a favorable report substantiating that the Respondent and his office staff are in substantial compliance with CDC Infection Control Guidelines, the Board shall issue an **Order Lifting Voluntary Cessation**, which shall allow the practice cited above to resume dental treatment; and it is further

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

ORDERED that from the date of the Board's the **Order Lifting Voluntary Cessation**, the Respondent shall be placed on **PROBATION** for a period of **TWO (2) YEARS** under the following terms and conditions:

1. A Board-assigned inspector shall conduct an unannounced inspection within ten (10) business days (or as soon as practicable) 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. During the probationary period, the Respondent shall be subject to quarterly unannounced onsite inspections by a Board-assigned inspector;
4. 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 inspections;
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; and
6. 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 have the opportunity to 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.
7. The Respondent is fined in the amount of **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500)**, due within one (1) year from the

date of the Consent Order 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.
10. If the above-mentioned courses are not completed within three (3) months of the date of the Consent Order, the Board may allow an extension of three (3) additional months if the Respondent demonstrates to the Board's satisfaction that he was unable to complete the courses despite a good-faith effort.
11. The Respondent may file a petition for early termination of his probation after one (1) year from the date of this Consent Order. After consideration of the petition, the Board, or a designated committee of the Board, shall grant the petition if the Respondent has satisfactorily complied with the terms and conditions of this Consent Order.

AND IT IS FURTHER ORDERED that no part of the training or education that the Respondent receives in order to comply with this Consent Order may be applied to his 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, unless otherwise ordered by the Board, after a minimum of two (2) years from the effective date of the Order for Reinstatement, 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 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 this Consent Order is a public document pursuant to Md. Code Ann., Md. Code Ann., Gen. Prov. §§ 4-101 et seq. (2021 Repl. Vol.).

08/10/2022
Date

Bonita D. McFadden
Bonita D. McFadden, Interim Director
Maryland State Board of Dental Examiners

CONSENT

By this Consent, I, Bruce E. Yuille, 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.

8-4-2022
Date

Bruce E. Yuille
Bruce E. Yuille, D.D.S.
Respondent

NOTARY PUBLIC

STATE OF Maryland

CITY/COUNTY OF: Baltimore

I HEREBY CERTIFY that on this 4th day of August 2022,
before me, a Notary Public of the State and County aforesaid, personally appeared Bruce
E. Yuille, 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.

Beth Rich
Notary Public

My commission expires: 10-21-2024



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ORDER LIFTING VOLUNTARY CESSATION

On June 8, 2022, BRUCE E. YUILLE,

D.D.S. (the "Respondent"), License Number 6192, provided the Maryland State Board of Dental Examiners (the "Board") with verified documentation that he has formally retained the services of a qualified Board-approved infection control consultant and that the consultant has issued a favorable report substantiating that he and his office staff are in substantial compliance with CDC Infection Control Guidelines.

Accordingly, the Board issues this **Order Lifting Voluntary Cessation**, in accordance with the terms of **Consent Order** issued in this matter.

ORDERED that this Order is a public document pursuant to Md. Code Ann., Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2021 Repl. Vol.).

08/10/2022
Date

Bonita D. McFadden
Bonita D. McFadden, Interim Director
Maryland State Board of Dental Examiners