

IN THE MATTER OF

* BEFORE THE MARYLAND

Carlos Powers, D.D.S.

* STATE BOARD OF

Applicant

* DENTAL EXAMINERS

License Number: 9470 [EXPIRED]

* Case Number: 2021-114

* * * * *

CONSENT ORDER

On or about July 27, 2021, the Maryland State Board of Dental Examiners (the “Board”) notified **CARLOS POWERS, D.D.S.** (the “Applicant”) of the Board’s intent to deny his *Application for Dental Licensure for Dentists Licensed in Another State* (the “Application”), filed on or about December 7, 2020, pursuant to the Maryland Dentistry Act (the “Act”), Md. Code Ann., Health Occ. §§ 4-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.) and Md. Code Regs. (“COMAR”) 10.44 *et seq.*

The Board based its action on the Applicant’s violation of the following provisions of the Act:

Health Occ. § 4-315. Denials, reprimand, probations, suspension, 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:
 - (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

- (4) Is convicted of or pleads guilty or nolo contendere to a felony ... whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (20) Violates any rule or regulation adopted by the Board; [and]
- (21) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes[.]

The underlying grounds for disciplinary action under Health Occ. § 4-315(a)(21) include Health Occ. § 4-315(a):

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another; [and]
- (20) Violates any rule or regulation adopted by the Board[.]

The Board further alleged that the Applicant violated the following rule or regulation adopted by the Board:

COMAR 10.44.23.03 Unprofessional or Dishonorable Conduct

- A. A dentist, dental hygienist, or dental radiation technologist may not engage in unprofessional or dishonorable conduct.
- B. The following shall constitute unprofessional or dishonorable conduct in the practice of dentistry, dental hygiene, or dental radiation technology:
 - ...
 - (2) Engaging in conduct which is unbecoming a member of the dental profession;
 - ...
 - (8) Committing any other unprofessional or dishonorable act or omission in the practice of dentistry, dental hygiene, or dental radiation technology.

Following a Case Resolutions Conference (CRC) at the Board, the Applicant agreed to enter this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds the following facts.

I. BACKGROUND

1. On or about October 7, 1986, the Applicant was initially licensed to practice dentistry in the State of Maryland under License Number 9470. The Applicant's license expired on June 30, 1994.

II. THE APPLICATION

2. On or about November 23, 2020, the Applicant filed an *Application for Dental Licensure for Dentists Licensed in Another State* (the "Application") with the Board. The Board received the Application on or about December 7, 2020.

3. In the Application under "Section V – Character and Fitness," the Applicant falsely answered "No" to the following questions:

- a. Has any licensing or disciplinary board of any jurisdiction, including Maryland, or any federal entity denied your application for licensure, reinstatement, or renewal, or taken any action against your license, including but not limited to reprimand, suspension, revocation, a fine, or non-judicial punishment? If you are under a Board Order or were ever under a Board Order in a state other than Maryland you must enclose a certified legible copy of the entire Order with this application.
- b. Have any investigations or charges been brought against you or are any currently pending in any jurisdiction, including Maryland, by any licensing or disciplinary board or any federal or state entity?

- f. Have you pled guilty, nolo contendere, had a conviction or receipt of probation before judgement or other diversionary disposition of any criminal act, excluding minor traffic violations?

4. The Applicant affixed his notarized signature to the Application, and thereby certified the following oath:

I hereby certify that all information in this application is accurate and correct.

III. BOARD INVESTIGATION

5. In the course of reviewing the Application, the Board became aware of the following information.

A. Virginia Board of Dentistry Public Order

6. On or about March 17, 2014, the Virginia Board of Dentistry issued an Order (the "Virginia Order") which granted the Applicant a license to practice dentistry in the Commonwealth of Virginia and assessed a monetary penalty on the license.

7. The Virginia Order made the following Findings of Fact:

- a. The Applicant submitted an Application for a License to Practice Dentistry in Virginia on July 22, 2013.
- b. The Applicant responded "No" in response to a question on his application, which asks: "Have you ever been licensed/registered/certified as a health care provider in Virginia or any other state/jurisdiction," despite the fact that he had an active license in the District of Columbia since October 27, 1986, and was licensed in Maryland from October 7, 1986 to June 30, 1994.

- c. The Applicant failed to completely list his employment activity in his application under the section titled "Employment and Activities Chronology."¹ The Applicant only listed one practice address in Washington, DC with the dates of "07/26/1986-present." An email dated August 16, 2013, to Virginia board staff revealed that, since June 2011, he was working at another location with another dentist because of an electrical fire in his office. Further, an email dated September 30, 2013, to Virginia board staff revealed that, since his licensure in Washington D.C. in 1986, he has "practiced in three locations in one capacity or another."
- d. The Applicant failed to disclose "that he was debarred from Medicare, Medicaid and all other federal health care programs by the Health and Human Services Office of Inspector General on March 19, 1998 because of a default on a health education loan or scholarship obligation."²

8. The Virginia Board concluded that the Finding of Fact b., c., and d. constituted a violation of §54.1-2706(1) of the Code of Virginia which states:

¹ The Virginia application instructed the Applicant to "List in chronological order all personal and professional activities you have engaged in since receiving your degree or certification, including teaching positions, internship, all period of non-professional activity or employment, volunteer work, and all periods of unemployment. Curriculum Vita and resumes are not acceptable in lieu of filling out the information below. PLEASE ACCOUNT FOR ALL TIME."

² The Applicant responded "no" to the question "Have you ever had any of the following disciplinary actions taken against your license to practice dentistry, your DEA permit, Medicare, Medicaid, or any such actions pending: suspension/revocations, or probation, or reprimand/cease and desist, or monitoring of practice, or limitation placed on scheduled drugs."

“The Board may refuse to admit a candidate to any examination, refuse to issue a license to any applicant, suspend for a stated period or indefinitely, or revoke any license or censure or reprimand any licensee or place him on probation for such time as it may designate for any of the following causes;

1. Fraud, deceit or misrepresentation in obtaining a license;”

B. District of Columbia Superior Court

9. The Applicant also failed to disclose that he was found guilty by a jury and convicted for one (1) count of felony simple assault on June 17, 1994, in the District of Columbia Superior Court.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant’s conduct, as described above, constitutes violations of the Act as cited above, specifically:

The Applicant’s failure to disclose on his Application that he had been disciplined by the Virginia Board of Dentistry, his employment contract was terminated by the Dental Network, and that he was excluded from Medicare, Medicaid, and all other federal health care programs, constitute grounds for denial of his Application under: Health Occ. § 4-315(a)(1) – fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another; and Health Occ. § 4-315(a)(20) – violating any rule or regulation adopted by the Board, *to wit* COMAR 10.44.23.03.

The Virginia Board’s findings that the Applicant attempted to obtain a license in Virginia by falsely failing to disclose required information including but not limited to being licensed in other jurisdictions, provide a complete list of his employment activity,

and disclose that he had been excluded from Medicare, Medicaid, and all other federal health care programs, constitutes grounds for denial of his Application under: Health Occ. § 4-315(a)(21) – being disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board’s disciplinary statutes, *to wit* Health Occ. §§ 4-315(a)(1) and (20) and COMAR 10.44.23.03.

The Applicant’s failure to disclose on the Application that he had been convicted of the felony of simple assault in 1994 as well as the conviction itself, constitutes grounds for denial of his Application under: Health Occ. § 4-315(a)(1) – fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another; Health Occ. § 4-315(a)(4) – is convicted of or pleads guilty or nolo contendere to a felony ... whether or not any appeal or other proceeding is pending to have the conviction or plea set aside; and Health Occ. § 4-315(a)(20) – violating any rule or regulation adopted by the Board, *to wit* COMAR 10.44.23.03.

ORDER

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

ORDERED that the Respondent’s Application for licensure is **GRANTED**; and it is further

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

ORDERED that the Applicant shall be placed on **PROBATION** for a period of **TWO (2) YEARS** under the following terms and conditions:

- a. Within six (6) months of the date of the execution of the Consent Order, the Applicant 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**, which shall not be counted toward continuing education requirements for license renewal;
- b. The Applicant shall:
 1. Submit a complete copy of this Consent Order to the prospective employer prior to accepting any offer of dentistry-related employment in Maryland; and
 2. Provide the Board with the name, mailing address, phone number, and email address of any employer to whom this Consent Order has been submitted as required by the above-paragraph (b)(i) of this Order within ten (10) business days of employment; and
- c. The Applicant 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 Applicant 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 Applicant 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 Applicant's compliance with the terms and conditions of this Consent Order, and it is further

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

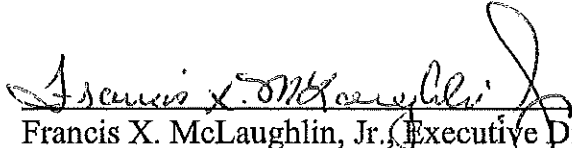
ORDERED that after a minimum of two (2) years from the effective date of this Consent Order, the Applicant may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board. The Board shall grant termination if the Applicant 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 Applicant allegedly fails to comply with any term or condition of probation or this Consent Order, the Applicant 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 Applicant 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 Applicant has failed to comply with any term or condition of probation or this Consent Order, the Board may reprimand the Applicant, place the Applicant on probation with appropriate terms and conditions, or suspend or revoke the Applicant'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 Applicant; 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).

December 15, 2021
Date


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

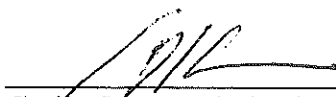
CONSENT

By this Consent, I, Carlos Powers, 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.

11/23/2021
Date


Carlos Powers, D.D.S.
Applicant

NOTARY


STATE OF Maryland

CITY/COUNTY OF: Prince Georges

I HEREBY CERTIFY that on this 23rd day of November

2021, before me, a Notary Public of the State and County aforesaid, personally appeared Carlos Powers, 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

Antwannette C Welch
NOTARY PUBLIC
Prince George's County, Maryland
My Commission Expires 9/16/2025

My commission expires: 9/16/2025