

IN THE MATTER OF
MARYLAND

*

BEFORE THE

SEYED HAMID TOFIGH, D.D.S.

*

STATE BOARD OF

Applicant

*

DENTAL EXAMINERS

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Case Number: 2022-006

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CONSENT ORDER

On or about December 1, 2021, The Maryland State Board of Dental Examiners (the "Board") notified **SEYED HAMID TOFIGH, D.D.S.** aka **HAMID TOFIGH, D.D.S.** (the "Applicant"), of its intent to deny his *Application for Dental Licensure by Examination* (the "2021 Application"), 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 under Md. Code Regs. ("COMAR") 10.44.01 *et seq.*

Specifically, the Board charged the Applicant with violating the following provisions:

Health Occ. § 4-302. Qualifications of applicants.

(b) *Moral character.* -- The Applicant shall be of good moral character.

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:

- (1) Fraudulently or deceptively obtains or attempts obtain a license for the applicant or licensee or for another;
- (2) Fraudulently or deceptively uses a license;
- (3) Obtains a fee by fraud or attempts to obtain a fee by fraud;
- (6) Practices dentistry in a professionally incompetent manner or in a grossly incompetent manner;
- (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession;
- (20) Violates any rule or regulation adopted by the Board;
- (22) Willfully makes or files a false report or record in the practice of dentistry;
- (23) Willfully fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;
- (25) Abrogates or forgives the copayment provisions of any insurance policy, insurance contract, health prepayment contract, health care plan, or nonprofit health service plan contract by accepting the payment received from a third party as full payment, unless the dentist discloses to the third party that the patient's payment portion will not be collected;
- (33) Fails to comply with any Board order; [and]

- (34) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board[.]

Health Occ. § 4-601. Practicing without license; aiding or abetting unauthorized practice.

- (a) *Practicing without license.* -- Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice dentistry or dental hygiene on a human being in this State unless licensed by the Board.

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

COMAR 10.44.23.01 Unprofessional or Dishonorable Conduct

- C. 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.

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

- K. Dental records shall:

- (1) Be accurate;
- (2) Be detailed; [and]
- (5) Document all data in the dentist's possession pertaining to the patient's dental health status[.]

On or about December 21, 2022, following a Case Resolution Conference (CRC), the Applicant agreed to enter into this Consent Order to resolve the Notice

of Intent to Deny Application.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

I. LICENSING/DISCIPLINARY HISTORY

- The Applicant was initially licensed to practice dentistry in the State of Maryland on September 22, 1994, under License Number 11554.

- On March 19, 2014, the Board summarily suspended the Applicant's license and on July 2, 2014, charged him with violating various provisions of the Act. The Applicant resolved the Board's charges by entering into a consent order (the "Consent Order"), dated February 25, 2015, in which the Board made Findings of Fact, Conclusions of Law and revoked the Applicant's license. The Board revoked the Applicant's license for reasons including, but not limited to the Applicant's: unprofessional and dishonorable conduct; incompetent dental care; fraudulent billing practices; inadequate dental record keeping; and failing to cooperate with the Board's investigation and comply with the Board's orders.

- On or about April 12, 2021, the Applicant filed the 2021 Application with the Board.

II. UNLICENSED PRACTICE OF DENTISTRY

- On or about March 7, 2018, the Board received a written complaint from an individual ("Individual A"), who was a former employee and patient of the

Applicant's. Individual A alleged that he was a dental patient and later a dental employee of the Applicant's dental practice from 2014 through October 2017 at which time the Applicant terminated Individual A's employment due to a wage dispute. Individual A stated that on or about December 5, 2017, he discovered for the first time that the Applicant had not had a license to practice dentistry since the revocation of his license on February 25, 2015.

- On or about January 28, 2019, Individual A submitted to an under-oath interview at the Board. During the interview, Individual A stated that when he was 18 years old, he was initially a dental patient of the Applicant's. Individual A stated that in or around January of 2017, he began working as a dental assistant at the Applicant's dental practice, located in Maryland. Individual A stated that while employed as a dental assistant, he observed the Applicant performing a variety of dental procedures and writing prescriptions. Individual A stated that he did not know at that time that the Applicant did not have a license to practice dentistry in Maryland.

III. SUBMISSION OF FRAUDULENT COURT DECREE

- Prior to the 2021 Application, the Applicant previously filed an *Application for Dental Licensure by Examination* on March 19, 2018 (the "2018 Application").

- In the 2018 Application, the Applicant sought to obtain a dental license

under the name “Seyed Hamid Tofigh.” The Applicant attached to his 2018 Application a document purported to be a Decree for Change of Name from the Circuit Court for Montgomery County, Maryland, in which the court decreed that the Applicant’s name was changed from “Hamid Tofighbakhsh” to “Seyed Hamid Tofigh.”

- The Decree for Change of Name the Applicant submitted with his 2018 Application was an altered and fraudulent document. The Board obtained a true test copy of the original decree from the Circuit Court for Montgomery County, Maryland. In the original Decree for Change of Name, dated April 25, 2006, the court ordered and decreed that the Applicant’s name be changed from “Hamid Tofighbakhsh” to “Hamid Tofigh,” not “Seyed Hamid Tofigh.”

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 and a basis on which to deny his Application.

The Board’s Findings of Fact and Conclusions of Law as set forth in the 2015 Consent Order constitute grounds for denial of the Applicant’s 2021 Application under Health Occ. § 4-302(b) The Applicant shall be of good moral

character; Health Occ. § 4-315(a)(2) Fraudulently or deceptively uses a license; Health Occ. § 4-315(a)(3) Obtains a fee by fraud or attempts to obtain a fee by fraud; Health Occ. § 4-315(a)(6) Practices dentistry in a professionally incompetent manner or in a grossly incompetent manner; Health Occ. § 4-315(a)(16) Behaves dishonorably or unprofessionally or violates a professional code of ethics pertaining to the dentistry profession; (20) Violates any rule or regulation adopted by the Board, *i.e.* COMAR 10.44.23.01C(2) and COMAR 10.44.30.02K(1), (2) and (5); Health Occ. § 4-315(a)(22) Willfully makes or files a false report or record in the practice of dentistry; Health Occ. § 4-315(a)(23) Willfully fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report; Health Occ. § 4-315(a)(25) Abrogates or forgives the copayment provisions of any insurance policy, insurance contract, health prepayment contract, health care plan, or nonprofit health service plan contract by accepting the payment received from a third party as full payment, unless the dentist discloses to the third party that the patient's payment portion will not be collected; and Health Occ. § 4-315(a)(34) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board.

- The Applicant's practice of dentistry subsequent to February 25, 2015, when his license was revoked pursuant to the Consent Order constitutes grounds for denial of his 2021 Application under: Health Occ. § 4-302(b) The Applicant

shall be of good moral character; Health Occ. § 4-315(a)(16) Behaves dishonorably or unprofessionally or violates a professional code of ethics pertaining to the dentistry profession; and Health Occ. § 4-315(a)(33) Fails to comply with any Board order.

- The Applicant's submission of a fraudulent and altered court decree from the Circuit Court for Montgomery County, Maryland, in his 2018 Application constitutes grounds for denial of his 2021 Application under: Health Occ. § 4-302(b) The Applicant shall be of good moral character; Health Occ. § 4-315(a)(1) Fraudulently or deceptively obtains or attempts obtain a license for the applicant or licensee or for another; Health Occ. § 4-315(a)(22) Willfully makes or files a false report or record in the practice of dentistry; and Health Occ. § 4-315(a)(16) Behaves dishonorably or unprofessionally or violates a professional code of ethics pertaining to the dentistry profession.

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 Applicant's Application for Licensure by Dental Examination is **GRANTED** on the condition that he takes and successfully passes the Maryland State Board of Dental Examiners Jurisprudence Examination.

ORDERED that upon the granting of his license to practice dentistry in Maryland, the Applicant shall immediately be placed on **PROBATION** for a

minimum of period of **FIVE (5) YEARS** under the following terms and conditions:

1. On a continuing basis, the Applicant shall provide to the Board a list of his practice address(es) including hours, schedule, and physical location where he is practicing and immediately apprise the Board in writing of any changes;
2. During the probationary period, the Applicant shall be subject to unannounced onsite inspections by a Board-assigned inspector;
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 inspections;
4. The Applicant be subject to supervision by a Board-approved supervisor as follows:
 - Within **30 CALDENDAR DAYS** of the granting of his license to practice dentistry in Maryland, the Applicant shall provide the Board with the name, pertinent professional background information of the supervisor whom the Applicant is offering for approval, and written notice to the Board from the supervisor confirming his or her acceptance of the supervisory role of the Applicant and that there is no personal or professional relationship with the supervisor. The Applicant may not practice dentistry in Maryland until the Board has approved of his proposed supervisor;
 - The Applicant's supervisor, to the best of the Applicant's knowledge, should not be an individual who is currently under investigation, and has not been disciplined by the Board within the past five years;
 - The Board, in its discretion, may accept the proposed supervisor or request that the Applicant submit a name and professional background, and written notice of confirmation from a different supervisor;

- The supervision begins after the Board approves the proposed supervisor;
- The Board will provide the supervisor with a copy of this Consent Order and any other documents the Board deems relevant;
- The Applicant shall grant the supervisor access to patient records selected by the supervisor, which shall, to the extent possible, focus on the type of treatment at issue in the Applicant's Notice of Intent to Deny Dental Licensure;
- If the supervisor for any reason ceases to provide supervision, the Applicant shall immediately notify the Board and shall not practice dentistry beyond the 30th day after the supervisor has ceased to provide supervision and until the Applicant has submitted the name and professional background, and written notice of confirmation, from a proposed replacement supervisor to the Board;
- It shall be the Applicant's responsibility to ensure the supervisor:
 - Reviews the records of 10 patients each month, such patient records to be chose by the supervisor and not the Applicant;
 - Meets in-person with the Applicant at least once each month and discuss in-person with the Applicant the care the Applicant has provided for these specific patients, as well as appropriate billing pracrices;
 - Be available to the Applicant for consultation on any patient;
 - Maintain the confidentiality of all dental records and patient information;

- Provides the Board with quarterly reports which detail the quality of the Applicant's practice, any deficiencies, concerns, or needed improvements, as well as any measures that have been taken to improve patient care; and
 - Immediately reports to the Board any indication that the Applicant may pose a substantial risk to patients.
 - If the Board, upon consideration of the supervisory reports and the Applicant's response, if any, has reasonable basis to believe that the Applicant is not in compliance with the Act in his practice, the Board may find a violation of probation or this Consent Order after a hearing.
5. The Applicant shall pay a fine in the amount of **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2500)**, due within sixty (60) days of this date of this Consent Order to the Board;
 6. Within six (6) months of the date of execution of this Consent Order, the Applicant shall enroll in and successfully complete a Board-approved in-person six (6) hour **course in professional ethics**, a six (6) credit hour **course in dental record keeping**, and a six (6) credit hour **course in dental insurance billing**, which shall not be counted toward his continuing education requirements for license renewal.

AND IT IS FURTHER ORDERED that after the conclusion of the **FIVE (5) YEAR** probationary period, 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, or a designated Board committee. The Board, or designated Board committee, shall grant the termination

of the Applicant has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending complaints of similar nature; and it is further

ORDERED that if the Board has reason to believe that the Applicant has failed 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 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

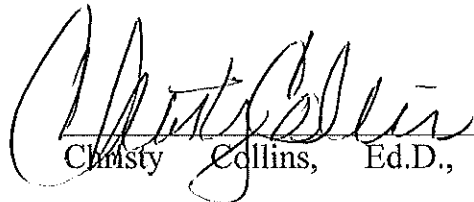
ORDERED that the Applicant shall be responsible for all costs incurred

under this Consent Order; and it is further

ORDERED that the Effective Date of this Consent Order is the date on which the Consent Order is executed by the Board Executive Director, 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.).

3/2/2023
Date
Director


Christy Collins, Ed.D., Executive

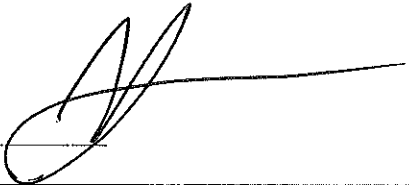
Maryland State Board of Dental
Examiners
CONSENT

By this Consent, I, Seyed Hamid Tofigh, 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

1-24-2023

Seyed Hamid Tofigh, D.D.S.

Applicant

NOTARY PUBLIC

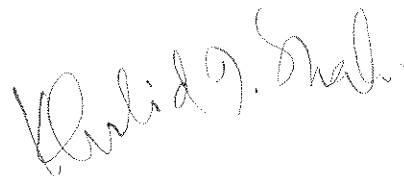
STATE OF Maryland

CITY/COUNTY OF: Prince Georges

I HEREBY CERTIFY that on this 24 day of January 2023, before me, a Notary Public of the State and

County aforesaid, personally appeared Seyed Hamid Tofigh, 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

My commission expires:

