

<p>IN THE MATTER OF</p> <p>MOHAMMED WARSHANNA, D.M.D.</p> <p>THE RESPONDENT</p> <p>License Number: 11884</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>BEFORE THE MARYLAND</p> <p>STATE BOARD OF</p> <p>DENTAL EXAMINERS</p> <p>Case Numbers: 2018-070, 2018-078 & 2019-148</p>
--	-------------------------------------	--

* * * * *

CONSENT ORDER

On or about July 19, 2019, the Maryland State Board of Dental Examiners (the “Board”) charged **MOHAMMED WARSHANNA, D.M.D.** (the “Respondent”), License Number 11884, with violating his Consent Order, dated March 6, 2019 (the “2019 Consent Order”), and violating the Maryland Dentistry Act (the “Act”), codified at Md. Code Ann., Health Occ. (“Health Occ.”) §§ 4-101 *et seq.* (2014 Repl. Vol. & 2018 Supp.), specifically pursuant to the following provisions. On the same day, the Board summarily suspended the Respondent’s license.

The Board charged the Respondent with violating the following provisions of law:

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;
- (28) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control’s [“CDC”] guidelines on universal precautions...;

The Board charges the Respondent with violating the following provision of the 2019 Consent Order:

ORDERED that the Respondent shall comply with the Maryland Dentistry Act, Md. Code Ann., Health Occ. §§ 4-101 *et seq.*, and all laws and regulations governing the practice of dentistry in Maryland.¹

FINDINGS OF FACT

The Board finds the following facts.

Background

1. The Respondent was initially licensed to practice dentistry in Maryland on or about September 5, 1996, under license number 11884. The Respondent's license is current through June 30, 2020.

2. At all times relevant, the Respondent practiced dentistry at a private dental practice in Catonsville, Maryland.

Disciplinary History

3. On or about June 3, 2015, the Board summarily suspended the Respondent's Class II Sedation Permit after determining that the Respondent: routinely provided anesthesia to a level beyond moderate sedation; routinely administered IV morphine after patients were already maximally sedated; inappropriately administered oxycodone to one patient; and failed to obtain informed consent for the type sedation he administered.

¹ A copy of the 2019 Consent Order is attached and incorporated herein.

4. On or about May 18, 2016, the Board charged the Respondent with the violations of the Act to include professional incompetence and failing to meet generally accepted standards.

5. On or about March 1, 2017, the Respondent resolved the summary suspension of his sedation permit and the Board's charges by entering into a public Consent Order (the "2017 Consent Order") in which the Board found as a matter of fact that he: placed direct pulp cap on primary teeth that had carious pulp exposure; performed pulpotomies on teeth with irreversible pulpitis; consistent incised and drained abscessed teeth prior to pulpotomies; treated primary teeth that were close to exfoliating; failed to document dosage and frequency of antibiotics prescribed; failed to document the type of isolation used during endodontic procedures; failed to document the type of amount of anesthetic used; failed to document treatment rationale; and billed for limited examination without documented support.

6. Based on the findings of fact contained in the 2017 Consent Order, the Board concluded as a matter of law that:

the Respondent's conduct constitutes the practice of dentistry in a professionally incompetent manner or in a grossly incompetent manner; demonstrates a course of conduct of providing dental care that is inconsistent with generally accepted professional standards of care in the practice of dentistry, regardless of whether actual injury to the patient occurs; and providing 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, in violation of [Health Occ.] § 4-315(a)(6), (18) and/or (19), respectively.

7. Pursuant to the 2017 Consent Order, the Board reprimanded the Respondent and placed him on probation for minimum period of one-year and various

conditions, including, but not limited to, that he “permanently cease treating patients who are 17 years old or younger, with the exception of orthodontia for patients ages 13 – 17 years old.”

8. On or about October 17, 2018, the Board charged the Respondent with violating his 2017 Consent Order. Specifically, the Board alleged that the Respondent had violated the following provision of the 2017 Consent Order:

ORDERED that that the Respondent permanently cease treating patients who are 17 years old or younger, with the exception of orthodontia for patients ages 13 – 17 years old [.]

9. On or about March 6, 2019, the Respondent entered into the 2019 Consent Order in order to resolve the charges that he violated the 2017 Consent Order.

10. The 2019 Consent Order found that the Respondent had provided dental services other than orthodontia to three minor patients, despite the 2017 Consent Order’s prohibition on doing so, cited above, including: evaluation, radiographs, prophylaxis, and fluoride application.

11. The 2019 Consent Order reprimanded the Respondent extended the probationary imposed under the 2017 Consent Order for another nine (9) months.

12. Under the terms of the 2019 Consent Order, the Respondent was also subject to “records reviews of the Respondent’s practice to determine the Respondent’s compliance with the Consent Order and/or the Maryland Dentistry Act.”

Complaint

13. During the course of one of the required record reviews pursuant to the 2019 Consent Order, the Board-approved reviewer was present at the Respondent’s office. In

the course of the review, the reviewer became concerned about the Respondent's compliance with infection control protocols.

14. Subsequently, on or about June 17, 2019, the reviewer submitted a written complaint to the Board (the "Complaint").

15. Based on the Complaint, the Board initiated an investigation regarding the Office's compliance with CDC guidelines.²

16. In furtherance of the investigation, the Board assigned an expert in infection control protocols (the "CDC Expert") to conduct an inspection of the Office.

Office Inspection

17. On or about June 21, 2019, the CDC Expert, accompanied by a Board investigator, conducted an inspection to determine whether the Office was complying with the CDC guidelines. The Respondent and an assistant were present and treating patients at the Office during the inspection.

Expert Report

18. Following the inspection, the CDC Expert completed a report (the "Expert Report") regarding compliance with CDC Guidelines at the Office.

² The Centers for Disease Control and Prevention ("CDC") is a federal agency dedicated to designing protocols to prevent the spread of disease. The CDC has issued guidelines (the "CDC Guidelines") for dental offices which detail the procedures deemed necessary to minimize the chance of transmitting infection both from one patient to another and from the dentist, dental hygienist and dental staff to and from the patients. These guidelines include some very basic precautions, such as washing one's hands prior to and after treating a patient, and also sets forth more involved standards for infection control. Under the Act, all dentists are required to comply with the CDC guidelines, which incorporate by reference Occupational Safety and Health Administration's ("OSHA") final rule on Occupational Exposure to Bloodborne Pathogens (29 CFR 1910.1030). The only exception to this rule arises in an emergency which is life-threatening *and* where it is not feasible or practicable to comply with the guidelines.

19. In the Expert Report, the CDC Expert noted violations of the CDC Guidelines in a range of areas, specifically as outlined below.³

Section I: Policies and Practices

▪ **I.1 Administrative Measures**

- Infection Control Manual contained generic guidelines in regard to administrative requirements. Practice-specific guidelines were not contained in the manual.

▪ **I.2 Infection Prevention Education and Training**

- No Documentation of "Time of Hire" training
- The only viable documented annual training for the Respondent and staff occurred on November 24, 2015
- Blank OSHA Training Certificates were contained in the Practice Manual dated May 23, 2018 and October 30, 2017.

▪ **I.3 Dental Health Care Personnel Safety**

- Manual did not contain specific requirements for the practice
- No documentation of compliance with hepatitis B vaccination requirements for dental healthcare personnel (DHCP)
- No documentation of tuberculosis screening of DHCP upon hire

▪ **I.4 Program Evaluation**

- Manual did not contain specific requirements for the practice.

▪ **I.5 Hand Hygiene**

- Manual did not contain specific requirements for the practice.

▪ **I.6 Personal Protective Equipment (PPE)**

- Manual did not contain specific requirements for the practice regarding PPE

▪ **I.7 Respiratory Hygiene/Cough Etiquette**

³ The headings and numbering system used to outline the CDC-related issues herein are derived from the CDC's published "Infection Prevention Checklist," which the CDC Expert employed as a tool in completing her inspection.

- Manual did not contain specific requirements for the practice.
- **I.8 Sharps Safety**
 - Manual did not contain specific requirements for the practice.
- **I.9 Safe Injection Practices**
 - Manual did not contain specific requirements for the practice.
- **I.10 Sterilization and Disinfection of Patient Care Items and Devices**
 - Manual did not contain specific requirements for the practice.
- **I.11 Environmental Infection Prevention and Control**
 - Manual did not contain specific requirements for the practice.
- **I.12 Dental Unity Water Quality**
 - Manual did not contain specific requirements for the practice.
 - Water Line Testing Program Certificate was contained in the Practice Manual - Expired December 19, 2002

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

- **II.1 Hand Hygiene is Performed Correctly**
 - Hand hygiene practices by DHCP were deficient
 - Hand washing or the use of hand sanitizer was not performed before or after removing gloves.
 - DHCP frequently would touch/adjust hair with gloved hands.
- **II.6 Sterilization and Disinfection of Patient Care Items and Devices**
 - Instrument processing location and layout of equipment and materials indicates the Office is not following a "Single Loop" sequence of sterilization
 - Sealed sterilization pouches containing instruments are not labeled with the date, load cycle, or which processor was used for sterilization
 - Spore tests have not been performed since September 19, 2018 according to the laboratory contracted to conduct them. The laboratory

also confirmed that at the time of the inspection, the contract to perform spore testing for the Office was expired. The most recent documentation available for same-day submission to the CDC Expert at the Office was from 2013.

- Items designated "Single Use" -- specifically nitrous masks -- were placed in Glutaraldehyde solutions in preparation to be re-used.
- Glutaraldehyde was not marked as to date of activation.
- Sterilization pouches were not consistently sealed properly.

▪ **II.7 Environmental Infection Prevention and Control**

- Placement of a barrier on the A/W Syringe is compromised
- Operatory biohazard waste receptacles do not have lids
- Ceiling tile in the instrument processing area had a stain indicative of black mold

20. The Expert concluded that based on the violations of the CDC Guidelines found during the CDC Inspection, in particular those listed above, there exists a risk to patient and staff safety at the Office.

21. As a licensed dentist who practices at and owns the Office, the Respondent failed to ensure compliance with the CDC Guidelines at all times.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's failure to ensure compliance with the CDC Guidelines at the Office as described above constitutes a violation of the Act and a violation of the terms and conditions of the 2019 Consent Order as cited above.

ORDER

ORDERED that as a permanent condition of the Respondent's licensure, the Respondent shall not see any patient and shall not provide any treatment of any kind related to the practice of dentistry, dental hygiene, or other dentistry-related practice, to anyone under the age of 18 (eighteen) years, with the following exception:

1. The Respondent may provide orthodontic treatment for patients ages 13 – 17 years old. "Orthodontic treatment" as used herein is strictly defined and does not include hygiene treatment or other dental treatment; and it is further

ORDERED that the Board's *Order for Summary Suspension* of the Respondent's license to practice dentistry in the State of Maryland, issued July 19, 2019, is hereby **TERMINATED**; and it is further

ORDERED that the Respondent is **SUSPENDED** for a minimum period of **SIXTY (60) DAYS, commencing on July 19, 2019**, and continuing until the following conditions are satisfactorily completed:

1. The Respondent shall pay the stayed portion of the fine imposed by the 2019 Consent Order, *i.e.* one-thousand dollars (\$1000);
2. The Respondent shall formally retain the services of a qualified infection control consultant and submit to the Board a report by the consultant detailing remedial steps taken and certifying that the Respondent and his office staff have been brought into compliance with the CDC Infection Control Guidelines;
3. The Respondent shall submit to a complete neurological evaluation by a Board-appointed qualified evaluator for the purpose of determining the Respondent's fitness to practice dentistry in a reasonably safe manner. Based on his findings and opinions, the Board-approved qualified evaluator shall, within fifteen (15) days of the evaluation, shall issue to the Board a report of his findings and opinions. In his report, the evaluator shall recommend either: (1) appropriate conditions under which the Respondent may continue to

practice in a reasonably safe manner or (2) that the Respondent cease the practice of dentistry, either temporarily or permanently, and shall specify under what conditions, if any, the Respondent must adopt in order to resume practice in a reasonably safe manner;

4. The Respondent shall follow any and all recommendations of the Board-approved qualified evaluator from the neurological evaluation. Failure to immediately follow all recommendations of the Board-approved qualified evaluator, in the sole determination of the Board, shall constitute a violation of this Consent Order;
5. The Respondent shall submit to a separate complete physical examination/evaluation by a Board-appointed qualified evaluator for the purpose of determining the Respondent's fitness to practice dentistry in a reasonably safe manner. Based on his findings and opinions, the Board-approved qualified evaluator shall, within fifteen (15) days of the evaluation, shall issue to the Board a report of his findings and opinions. In his report, the evaluator shall recommend either: (1) appropriate conditions under which the Respondent may continue to practice in a reasonably safe manner or (2) that the Respondent cease the practice of dentistry, either temporarily or permanently, and shall specify under what conditions, if any, the Respondent must adopt in order to resume practice in a reasonably safe manner;
6. The Respondent shall follow any and all recommendations of the Board-approved qualified evaluator from the physical examination/evaluation. Failure to immediately follow all recommendations of the Board-approved qualified evaluator, in the sole determination of the Board, shall constitute a violation of this Consent Order;
7. The Respondent shall submit to a separate complete psychological examination/evaluation by a Board-appointed qualified evaluator for the purpose of determining the Respondent's fitness to practice dentistry in a reasonably safe manner. Based on his findings and opinions, the Board-approved qualified evaluator shall, within fifteen (15) days of the evaluation, shall issue to the Board a report of his findings and opinions. In his report, the evaluator shall recommend either: (1) appropriate conditions under which the Respondent may continue to practice in a reasonably safe manner or (2) that the Respondent cease the practice of dentistry, either temporarily or permanently, and shall specify under what

conditions, if any, the Respondent must adopt in order to resume practice in a reasonably safe manner; and

8. The Respondent shall follow any and all recommendations of the Board-approved qualified evaluator from the psychological examination/evaluation. Failure to immediately follow all recommendations of the Board-approved qualified evaluator, in the sole determination of the Board, shall constitute a violation of this Consent Order; and it is further

ORDERED that during the period of suspension of the Respondent's license, other licensed dental professionals within the Respondent's practice may still continue practicing dentistry at the practice, as provided by the applicable State and federal; and it is further

ORDERED that after the minimum period of suspension has elapsed, the Respondent may submit a written petition to the Board requesting termination of the suspension. After consideration of the petition, the suspension may be terminated, through an order of the Board, or a designated Board committee. The Board, or designated Board committee, shall grant the termination if the Respondent has fully and satisfactorily complied with all of the eight (8) suspension conditions listed above and there are no pending Board complaints against the Respondent related to the matters involved in this case; and it is further

ORDERED that upon the Board's termination of the suspension, the Respondent is immediately placed on **PROBATION** for a minimum period of **FIVE (5) YEARS**, and continuing until the following conditions are satisfactorily completed:

1. Within one (1) year of the Board's termination of the suspension, the Respondent shall pay a monetary penalty of \$5000;

2. Within thirty (30) days of the Board's termination of the suspension, the Respondent shall, at his own expense, enroll in the Dentist Well-Being Committee. The Respondent shall adhere to all requirements and follow all recommendations of the Dentist Well-Being Committee, including a recommendation to renew the enrollment contract. The Respondent shall immediately sign the necessary consent forms to allow the Board to receive regular (as determined by the Well-Being Committee, but at least quarterly) reports on the Respondent's status and compliance. Failure to immediately adhere to the requirements or follow the recommendations of the Dentist Well-Being Committee, in the sole determination of the Board, shall constitute a violation of the Consent Order;
3. Within ten (10) business days of the Board's termination of the suspension, the Board-assigned inspector shall conduct an unannounced inspection at the Office in order to evaluate the Respondent and his staff regarding compliance with the Act and infection control guidelines. The Board-assigned inspector shall be provided with copies of the Board's file, the Consent Order, and any other documentation deemed relevant by the Board;
4. On or before the fifth day of each month, the Respondent shall provide to the Board a copy of the current patient appointment book for that month for the Office;
5. During the probationary period, both the Office shall be subject to quarterly unannounced onsite inspections by a Board-assigned inspector;
6. 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 the Board regarding the findings of the inspections;
7. Within six (6) months of the Board's termination of the suspension, the Respondent shall successfully complete a Board-approved in-person four (4) credit hour course(s) in infection control protocols, which may not be applied toward his license renewal;
8. Within six (6) months of the Board's termination of the suspension, the Respondent shall successfully complete a Board-approved in-person two (2) credit hour course(s) in professional ethics, which may not be applied toward his license renewal.
9. At the Board's discretion, the Board may order the Respondent to undergo additional neurological or medical evaluations by a Board-appointed qualified evaluator for the purpose of determining the Respondent's fitness

to practice dentistry in a reasonably safe manner. Based on his findings and opinions, the Board-approved qualified evaluator shall, within fifteen (15) days of the evaluation, shall issue to the Board a report of his findings and opinions. In his report, evaluator shall recommend either: (1) appropriate conditions under which the Respondent may continue to practice in a reasonably safe manner or (2) that the Respondent cease the practice of dentistry, either temporarily or permanently, and shall specify under what conditions, if any, the Respondent must adopt in order to resume practice in a reasonably safe manner;

10. The Respondent shall follow any and all recommendations of the Board-approved qualified evaluator. Failure to immediately follow all recommendations of the Board-approved qualified evaluator, in the sole determination of the Board, shall constitute a violation of this Consent Order

11. The Respondent shall at all times practice dentistry in accordance with the Act.

ORDERED that after the conclusion of **FOUR (4) YEARS** from the effective date of the probationary period, the Respondent may submit a written petition to the Board requesting early 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 if the Respondent 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 Respondent has failed 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 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

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014).

10/21/2019
Date

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

CONSENT

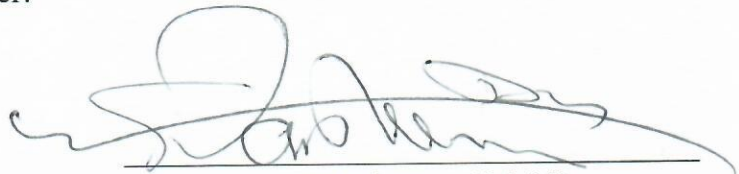
I, Mohammed Warshanna, D.M.D., acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this

Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

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 provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

9-30-19
Date


Mohammed Warshanna, D.M.D.

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 30 day of September, 2019, before me, a Notary Public of the foregoing State and City/County personally appear Mohammed Warshanna, D.M.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.

Sandra A. Page

Notary Public

My commission expires: 10/10/19

