

IN THE MATTER OF  
MALARIE HILL, DRT

Respondent

Certificate Number: 20555

\* BEFORE THE MARYLAND  
\* STATE BOARD OF  
\* DENTAL EXAMINERS  
\* Case Number: 2018-190

\* \* \* \* \*

**FINAL ORDER**

On the 15<sup>th</sup> day of May, 2019, the Maryland State Board of Dental Examiners (the “Board”) notified **MALARIE HILL, DRT** (Dental Radiation Technologist) (the “Respondent”), Certificate Number 20555, of its intent to revoke her certificate to practice dental radiation technology in the State of Maryland pursuant to the Maryland Dentistry Act (the “Act”), codified at Md. Code Ann., Health Occ. (“Health Occ.”) §§ 4-101 *et seq.* (2014 Repl. Vol.).

The Board based its action on the Respondent’s violation of the following provisions of the Act and COMAR:

**Health Occ. § 4-301. License requirements**

(a)(1) *In general*—Except as otherwise provided in this title, an individual shall be licensed by the Board to practice dentistry<sup>[1]</sup> before the individual may practice dentistry on a human being in this State.

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<sup>1</sup> Health Occ. § 4-101 (l) provides:

“Practice dentistry” means to:

- (5) Place or adjust a dental appliance in a human mouth[.]

**Health Occ. § 4-601. License required to practice dentistry or dental hygiene**

(a) *Practice without a 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.

**Health Occ. § 4-505. Dental radiation technologists**

(a) *Rules and regulations, competency*—The Board of Dental Examiners shall:

- (2) Adopt rules and regulations concerning qualifications, training, certification, monitoring of, and enforcement requirements for a dental radiation technologist[.]

**COMAR 10.44.19.12 Penalties for Violations of These Regulations.**

A. Subject to the hearing provisions of this chapter, the Board may deny a certificate to practice dental radiation technology, reprimand any certified dental radiation technologist, place any certified dental radiation technologist on probation, or suspend or revoke the certificate of any certified dental radiation technologist, if the holder of the certificate:

(6) Violates any rule or regulation adopted by the Board;

(15) Behaves dishonorably or unprofessionally.

**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:

- (8) Committing any other unprofessional or dishonorable act or omission in the practice of dentistry, dental hygiene, or dental radiation technology.

In its Notice, the Board informed the Respondent that she had the opportunity to request a hearing before the Board by submitting a request in writing to the Board's

Executive Director within thirty days of service of the Notice. More than thirty days have elapsed since the service of the Notice on the Respondent, and the Respondent has not requested a hearing.

### FINDINGS OF FACT

The Board makes the following findings of fact:

#### **I. BACKGROUND**

1. At all times relevant, the Respondent was licensed to practice dental radiation technology in the State of Maryland under License Number 20555. The Respondent was initially licensed on or about May 16, 2017. The Respondent's license is current through March 1, 2019.

2. The Respondent has never held any certifications as a dental assistant qualified in orthodontics or general dentistry in the State of Maryland.

3. At all times relevant, the Respondent was employed at a dental practice (the "Dental Practice")<sup>2</sup> in Saint Mary's County, Maryland.<sup>3</sup>

4. The Board initiated an investigation of the Respondent after receiving a complaint, on or about March 23, 2018, from an individual (the "Complainant"), who alleged that the Respondent is the stepmother of the Complainant's minor child (the "Child"). The Complainant further alleged that on or about March 17, 2018, the

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<sup>2</sup> To protect confidentiality, the name of the Complainant, patients, other dentists or dental practices will not be identified by name in this document. The Respondent may obtain the identity of all individuals/entities referenced herein by contacting the assigned administrative prosecutor.

<sup>3</sup> The Respondent was employed at the Dental Practice from October 13, 2015 through June 15, 2017. The Respondent was re-hired on or about March 5, 2018. She remained employed until March 27, 2018, when the Respondent left early for lunch and never returned to the Dental Practice.

Respondent placed braces on the Child's maxillary teeth while the Child was at the Respondent's house. Finally, the Complainant alleged that a dentist was not present when the Respondent placed the braces.

## **II. BOARD INVESTIGATION**

5. In the course of its investigation, the Board subpoenaed the Child's dental records from the Dental Practice, as well as, the Child's dental records from the orthodontist (the "Orthodontist") that the Child saw after the Respondent placed the braces on the Child's maxillary teeth. The Board also conducted an interview of the Respondent.

6. According to the dental records received from the Dental Practice, the Child was only seen at the Dental Practice twice. The Child was seen on July 16, 2016, for a comprehensive examination and a prophylaxis. Next, the Child was seen on January 21, 2017, for a periodic examination and a prophylaxis, at which time, it was recommended that the Child see the in-house orthodontist at the Dental Practice for an orthodontic consultation. An appointment, however, was never scheduled for the Child to see the in-house orthodontist.

7. On or about March 18, 2018, when the Child came home from her father and the Respondent's house, the Complainant discovered that braces were placed on the Child's maxillary teeth by the Respondent at the Respondent's personal residence, and not placed by a licensed dentist.

8. After the Complainant discovered that the Respondent placed braces on the Child at the Respondent's home, the Complainant took the Child to see an Orthodontist

unaffiliated with the Dental Practice. According to the Orthodontist's dental records for the Child, the Orthodontist saw the Child on or about March 19, 2018, as a new patient consultation, at which time, the Child complained of discomfort. The Orthodontist evaluated the Child and found that upper brackets had been placed on the Child and that the brackets had been improperly placed, were mismatched, and several of the brackets had broken bonds. The Orthodontist re-bonded the loose braces to get the Child in a "stable state" and recommended a cleaning for the Child before the Orthodontist took over the orthodontic treatment because it had been a lengthy period of time since the Child's last dental cleaning.

9. On or about March 27, 2018, the Child returned to the Orthodontist after receiving a dental cleaning. At this visit, the Orthodontist removed the braces the Respondent placed on the Child and then the Orthodontist placed new maxillary and mandibular braces on the Child.

10. In an interview with the Board's investigator on August 29, 2018, the Respondent admitted that she applied braces on the Child in her home. The Respondent said she "thought" she could put the braces on the Child herself because she "look[ed] up things on the internet . . . [and saw] that people do them by their selves." The Respondent stated that she got the supplies for the braces from Amazon and eBay. The Respondent further stated that when she put the braces on the Child she was not under the guidance of any dentist, orthodontist, or anyone else. Finally, the Respondent stated that she left her employment at the Dental Practice because the Complainant called the Respondent's employer and reported that the Respondent put braces on the Child.

### CONCLUSIONS OF LAW

The Respondent's conduct, including but not limited to, practicing dentistry by placing braces on the minor Child at the Respondent's personal residence without a license constitutes a violation of Health Occ. § 4-301, Health Occ. § 4-505, Health Occ. § 4-601, COMAR 10.44.19.12, and COMAR 10.44.23.04, specifically: violating any rule or regulation adopted by the Board, in violation of COMAR 10.44.19.12(A)(6); behaving dishonorably or unprofessionally, in violation of COMAR 10.44.19.12(A)(15); and engaging in unprofessional or dishonorable conduct in the practice of dental radiation technology, in violation of COMAR 10.44.23.04(A) and (B)(8).

### 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 Respondent Malarie Hill's certificate to practice dental radiation technology in the State of Maryland under Certificate Number 20555 be and hereby is **REVOKED**; and it is further

**ORDERED** that the Respondent is prohibited from practicing dental radiation technology in the State of Maryland; and it is further

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

June 19, 2019  
Date

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

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Code Ann., Health Occ. § 4-319(b) (2014 Repl. Vol.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of service of this Order and shall be made as provided for judicial review of a final decision in the Md. Code Ann., State Gov't II §§ 10-201 *et seq.* (2014 Repl. Vol.) and Title 7, Chapter 200 of the Maryland Rules.