

IN THE MATTER OF	*	BEFORE THE MARYLAND
ANTON GROBANI, D.D.S.	*	STATE BOARD OF
Respondent	*	DENTAL EXAMINERS
License Number: 3313	*	Case Number: 2006-205

\* \* \* \* \*

**CONSENT ORDER**

On or about December 6, 2006, the Maryland State Board of Dental Examiners (the "Board"), charged ANTON GROBANI, D.D.S ("Respondent"), license number 3313, under the Maryland Dentistry Act (the "Act"), Md. Health Occ. ("H.O.") Code Ann. §§ 4-101 *et seq.* (2005). The pertinent provisions of H.O. § 4-315(a), and those under which the Charges were based, provide:

(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...reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the ... licensee:

- (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; and
- (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 guidelines on universal precautions.

As a result of improvements in his practice, and as a result of negotiations with the Office of the Attorney General, by Kimberly S. Cammarata, Assistant Attorney General, the Respondent, by Rose M. Matricciani, Esquire and the Board, the parties agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order, and with the terms and conditions set forth herein.

## FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was and is a dentist licensed to practice dentistry in the State of Maryland.
2. The Respondent practices dentistry on a contractual basis at North Point Dental. North Point Dental is owned by Edward Silverman, D.D.S. and the practice was, at the time of these acts, operated and managed by Susan Himmel, R.D.H.
3. On or about March 8, 2006, the Board received a complaint alleging facts which, if true, would be violations of CDC guidelines. The Board referred the complaint to its investigative unit.
4. On or about April 13, 2006, Board investigators presented to North Point Dental. On this date the Respondent was not present in the operatory.
5. The investigators inspected each operatory in the office, including the operatory where the Respondent was treating patients. Each operatory had dental instruments, both disposable and re-usable, strewn about in drawers, un-bagged. These instruments were not verifiably sterile. The investigation revealed that instruments were not bagged for sterilization or storage after sterilization. The investigators also observed disposable instruments soaking in a cup with a substance later identified as bleach.
6. The investigation further revealed that Dr. Silverman was only present in the office on Mondays and that Ms. Himmel operated and managed the dental office. Ms. Himmel provided the operatories, instruments, dental materials, and all supplies for each practitioner working in the office. It further revealed that Ms. Himmel:
  - a. Directed all dentists and assistants to re-use disposable, single-use items including: prophylaxis angles, matrix bands, suction tips, etch & bond and wells. Ms. Himmel had been observed taking disposed items from the trash and placing them in operatory drawers and in cups for re-use.

b. Directed all dentists and assistants to dilute Lysol cleaner used for disinfecting contaminated surfaces. The Lysol was diluted with approximately 90% water.

c. Did not purchase adequate quantities of sterilization bags to use for autoclaving instruments. She directed the staff to place instruments directly into the autoclave without bagging. The instruments were run through the autoclave cycle without the use of a chemical indicator strip to evidence that the autoclave reached the necessary temperature to ensure sterility.<sup>1</sup>

d. Did not purchase adequate quantities of personal protective apparel.

e. Failed to spore test the autoclave to ensure sterilization of instruments. Evidence revealed that it had been over a year since the autoclave had been spore tested.

7. The Respondent practiced dentistry under those directives.

8. The Respondent admitted to re-using disposable high-speed suction tips after they had been placed in cold sterilization.

9. The Respondent admitted that the office did not have sterile gloves available.

10. The Respondent also used burs that had not been autoclaved after patient use.

11. The investigators also observed bloodstained waste in regular trash bags in the public dumpster. Other employees advised that they were told not to use the bio-hazardous waste bags too often because of the expense.

12. The investigators also observed food products and dental materials contained in the same refrigerators.

13. Following the issuance of the Charges based on the above-delineated facts, the Respondent retained a Board-approved CDC consultant to observe the Respondent's

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<sup>1</sup> The investigators did not observe any sterilization bags in the operatories or in the sterilization area on the first visit to the office.

practices and to train the Respondent and his dental assistant on the CDC guidelines and their proper implementation in the dental office. With a few minor exceptions, the consultant noted a marked improvement in the Respondent's infection control practices.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds that the Respondent violated H.O. § 4-315(a)(6), (16) and (28) which provide:

- (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; and
- (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 guidelines on universal precautions...

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is by the Maryland State Board of Dental Examiners, hereby:

**ORDERED** that the Respondent's license to practice dentistry in the State of Maryland is **SUSPENDED** for a period of THIRTY (30) DAYS, effective February 26<sup>th</sup>, 2007; and that the SUSPENSION shall be STAYED on March 3, 2007; and it is further

**ORDERED** that the Respondent shall be placed on **PROBATION** for a period of two (2) years from the date of this Order, subject to the following conditions:

1. The Respondent shall provide to the Board, on or before the fifth day of each month, a listing of his regularly scheduled days and hours for patient care;
2. The Respondent shall be subject to a minimum of three (3) unannounced inspections by the previously retained Board-approved CDC consultant, or other Board-approved agent, during the first year of the probationary period. The

consultant or Board-approved agent shall provide reports to the Board within ten (10) days of the date of the inspection and may consult with the Board regarding the findings of the inspections. A finding by the Board indicating that the Respondent or his practice is not in compliance with the CDC guidelines shall constitute a violation of this Order and may, in the Board's discretion, be grounds for immediately suspending the Respondent's license. In the event that the Respondent's license is suspended under this provision, he shall be afforded a Show Cause Hearing before the Board to show cause as to why his license should not be suspended or should not have been suspended;

3. The Respondent shall also be subject to random, unannounced inspections by the Board or its representative(s), at any time during the probationary period. A finding by the Board indicating that the Respondent or his practice is not in compliance with the CDC guidelines shall constitute a violation of this Order and may, in the Board's discretion, be grounds for immediately suspending the Respondent's license. In the event that the Respondent's license is suspended under this provision, he shall be afforded a Show Cause Hearing before the Board to show cause as to why his license should not be suspended or should not have been suspended;

4. The Respondent shall complete all required continuing education courses required for renewal of his license. No part of the training or education he receives in compliance with this Order shall 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 his consultant, in the monitoring,

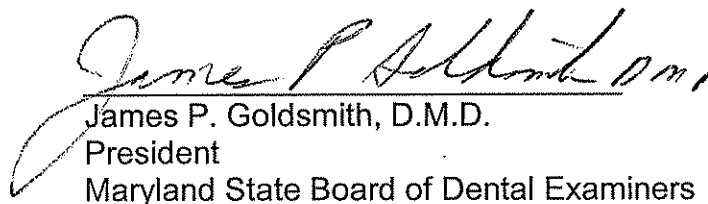
supervision and investigation of the Respondent's compliance with the terms and conditions of this Consent Order, and it is further

**ORDERED** that one (1) year from the effective date of this Order, the Respondent may petition the Board for termination of his probationary status without any conditions or restrictions whatsoever. If the Respondent has satisfactorily complied with all conditions of probation, and there are no outstanding complaints regarding the Respondent, the Board may terminate the probation; 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 this Consent Order is PUBLIC DOCUMENT as defined in Md. State Gov't Code Ann. §§ 10-611 *et seq.* (2004).

2-7-07  
Date of Consent Order

  
James P. Goldsmith, D.M.D.  
President  
Maryland State Board of Dental Examiners

**CONSENT**

I, **ANTON GROBANI, D.D.S.**, License No. 3313, by affixing my signature hereto, acknowledge that:

1. I have had the opportunity to consult with counsel, Rose M. Matricciani, Esquire, before signing this document.
2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 4-318 (2005) and Md. State Gov't. Code Ann. §§10-201 *et seq.* (2004).

3. I acknowledge the validity of this Consent Order as if entered into after 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 law.

4. I voluntarily consent to the foregoing Findings of Fact, Conclusions of Law and Order, provided that the Board adopts the foregoing Consent Order in its entirety. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order as set forth in § 4-318 of the Act and Md. State Gov't. Code Ann. §§ 10-201 *et seq.* (2004).

5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order I may be subject to disciplinary action, which may include revocation of my license to practice dentistry in the State of Maryland.

6. I sign this Consent Order without reservation as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

2/7/07  
Date

Anton Grobani  
Anton Grobani, D.D.S.

Rose M. Matricciani 2/7/07  
Reviewed and approved by: Rose Matricciani, Esquire

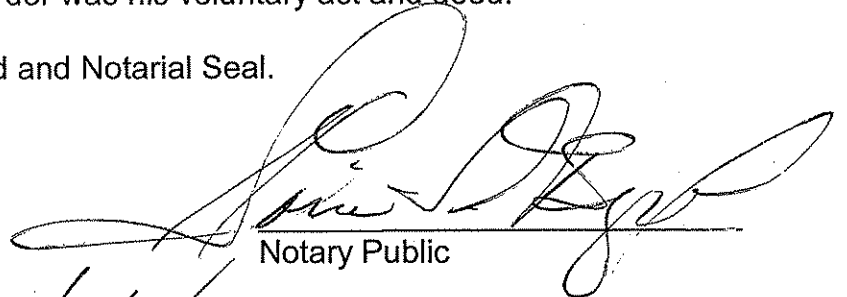
**NOTARY**

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY THAT on this 14<sup>th</sup> day of February, 2007, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared Anton Grobani, D.D.S., and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

  
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Notary Public

My Commission Expires: 1/1/08