

IN THE MATTER OF
PAUL VIDZIUNAS, D.D.S.

RESPONDENT

LICENSE NUMBER: 8250

* BEFORE THE
* MARYLAND BOARD
* OF DENTAL EXAMINERS
* CASE NUMBER: 2007-038

* * * * *

CONSENT ORDER

On April 18, 2007, the Maryland Board of Dental Examiners (the "Board") charged Paul Vidziunas, DDS (the "Respondent"), License Number 8250, with violating provisions of the Maryland Dentistry Act ("the Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 4-101, et seq., (2005 Repl. Vol. and 2006 Supp.). Specifically, the Board charged the Respondent as follows:

H.O. § 4-315. Denials, reprimands, probations, suspensions, and revocations - Grounds.

(a) 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;
- (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession;
- (19) 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; and

- (20) Willfully makes or files a false report or record in the practice of dentistry.

FINDINGS OF FACT

- 1. The Respondent has been licensed to practice dentistry in the State of Maryland since February 23, 1984.
- 2. At all times relevant, the Respondent was licensed to practice dentistry in Maryland.
- 3. The Respondent was also licensed to practice dentistry in Pennsylvania.
- 4. In January of 2000, the Respondent's Maryland license was suspended and the Respondent was placed on probation for illegally prescribing medication.

PENNSYLVANIA DISCIPLINARY ACTION

- 5. On or about October 11, 2005, the Board received a report from the American Association of Dental Examiners, which indicated that the Pennsylvania State Board of Dentistry took disciplinary action against Paul Vidziunas, for failing to timely complete continuing education ("CE") credit hours and making a false claim that the hours were completed timely.
- 6. The Board initiated an investigation, which revealed that on or about May 24, 2005, the Pennsylvania State Board of Dentistry issued an Order To Show Cause, ordering Respondent to show cause as to why his dental license should not be suspended or revoked.
- 7. According to the factual allegations in The Order To Show Cause, on or about March 10, 2003, Respondent sent a signed renewal application for licensure to

the Pennsylvania Board for the biennial renewal period of April 1, 2003 through March 31, 2005, which indicated that Respondent had completed the required 30 credit hours of CE during the period from April 1, 2001 to March 31, 2003.

8. On or about September 24, 2003, the Respondent was selected to participate in a random audit of CE credits for the biennial period. As a part of the audit the Respondent was required to submit photocopies of certificates of attendance verifying completion of at least 30 hours.

9. The Respondent only submitted verification of completion of a total of 27 hours of approved CE credits obtained during the reporting period of April 1, 2001 to March 31, 2003.

10. The Pennsylvania Order To Show Cause alleged that:

The actions of Respondent described above, violated the Act at 63 P.S. §123.1(a) (6), by and through the Respondent's violation of 49 Pa. Code §33.404, since Respondent failed to submit proof of completion of at least 30 credit hours of continuing education in acceptable courses of which no more than 50% of the required courses were obtained through individual study.

11. On or about July, 15, 2005, the Pennsylvania State Board of Dentistry issued an order approving a Consent Agreement between the Respondent and the Board, finding in pertinent part that:

(a) On or about March 10, 2003, Respondent sent a signed renewal application for licensure to the Pennsylvania Board for the biennial renewal period of April 1, 2003 through March 31, 2005, which annotated a checkmark to the following continuing education certification: "I have attended/completed the required 30 credit hours of continuing education during the period of from(sic) April 1, 2001 to March 31, 2003 in acceptable courses obtained through approved

program sponsors with no more than 50% of the credits obtained through individual study.”

(b) On or about September 24, 2003, the Board provided notice that Respondent was selected for participation in a random audit of continuing education credits for the biennial period of April 1, 2001 to March 31, 2003.

(c) As part of the audit, Respondent was required to submit photocopies of certificates of attendance to the Board verifying completion of at least 30 hours of approved continuing education credits.

(d) On or about September 29, 2003, Respondent submitted verification of completion of a total of 27 hours of approved continuing education credits obtained during the reporting period of April 1, 2001 to March 31, 2003, which is short of the required amount of credit hours by 3 hours.

12. The Pennsylvania State board found that the actions of Respondent violated the Act at 63 P.S. § 123.1 (a) (6), by and through the Respondent's violation of 49 Pa. Code § 33.404, since Respondent failed to submit proof of completion of at least 30 credit hours of continuing education. The Pennsylvania Board placed a reprimand on the Respondent's record and required the Respondent to pay a fine and complete 3 hours of continuing education within 6 months of the effective date of the Order.

13. The Respondent is subject to discipline in Maryland, pursuant to H.O. § 4-315(a) (19), because he was disciplined in Pennsylvania for an act that would be grounds for disciplinary action under the Maryland Board's disciplinary statute. Specifically, in Maryland the Respondent could have been subject to prosecution for failing to accurately report CE hours under the following provisions of H.O. § 4-315 (a):

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

- (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession;
- (18) Violates any rule or regulation adopted by the Board; and
COMAR 10.44.22.13 (A) and (B) also provide that:
 - A. Violation of these regulations by a licensee, pertaining to the continuing education requirements for license renewal, shall result in non-renewal of the license.
 - B. A false statement on a renewal form constitutes unprofessional conduct and may result in disciplinary action against the licensee as set forth in the Health Occupations Article, § 4-315, Annotated Code of Maryland.
- (20) Willfully makes or files a false report or record in the practice of dentistry.

MARYLAND RENEWAL APPLICATION

14. On June 30, 2006, the Respondent submitted a renewal application, and answered "No," in response to the following questions in "Section III" of the application:

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 in a state other than Maryland and the Order was effective on or after July 1, 2004, you must enclose a certified copy of the order with this application.

15. The Respondent was aware of the Pennsylvania disciplinary proceeding against his license at the time he submitted his 2006 renewal application, because Respondent signed the Pennsylvania Order, one year prior to submitting the Maryland renewal application.

16. By failing to truthfully answer the question on the renewal application regarding past and current disciplinary history, the Respondent violated the following provisions of H.O. 4-315 (a):

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession; and
- (20) Willfully makes or files a false report or record in the practice of dentistry.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent has violated the Maryland Dentistry Act, H.O. § 4-315 (a):

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession;
- (19) 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; and
- (20) Willfully makes or files a false report or record in the practice of dentistry.

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 is hereby **REPRIMANDED**; and it is further

ORDERED that the Respondent shall, within ninety (90) days from the date of this Order, make an anonymous contribution in the amount of one thousand five hundred dollars (\$1,500.00), by certified check or money order, made to one of the Board approved charitable organizations; and it is further

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

ORDERED that the Respondent shall, within six (6) months from the effective date of this Order, attend and successfully complete a Board-approved classroom course in ethics. The Respondent shall submit proof of a successful course completion within fifteen days of the completion of the course. This course will be in addition to the continuing education courses required for renewal; and it is further

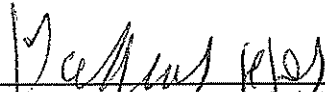
ORDERED that any violation of any of the terms of this Order shall constitute unprofessional conduct in addition to any other applicable grounds under the Act; and it is further

ORDERED that if the Board has probable cause to believe that the Respondent has violated any of the terms or conditions of this Order set forth herein, the Board after notice and an opportunity for a Show Cause Hearing before the Board, and upon a determination of a violation, may impose any disciplinary sanction it deems appropriate under H.O. § 4-315, said violation to be proven by a preponderance of the evidence and said failure to be deemed a violation of this Order; and it is further

ORDERED that this Consent Order is a public document pursuant to Md. State Gov't Code Ann. § 10-601, *et seq.* (2004 & Supp. 2006); and it is further

ORDERED that this Consent Order is effective as of the date of its signing by the Board.

So Ordered this 18 day of July 2007.



David A. Williams, D.D.S., President
State Board of Dental Examiners

CONSENT OF PAUL VIDZIUNAS, D.D.S.

I, PAUL VIDZIUNAS, D.D.S., License No. 8250, by affixing my signature hereto, acknowledge that:

1. I have been advised of my right to consult with counsel and I have voluntarily elected to proceed without an attorney.
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 & supp. 2006) 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 enter into and consent to the foregoing Findings of Fact, Conclusions of Law and Order. 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, and, following proper procedures, I may suffer 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.

7/18/07
Date

Paul Vidziunas
Paul Vidziunas, D.D.S.

STATE OF Maryland
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 18th day of July, 2007, before me Paul Vidziunas, DDS (Print Name), a Notary Public of the State of MD and City/County, Baltimore, personally appeared Paul Vidziunas License No.8250, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and that statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

[Signature]
Notary Public

My Commission Expires: 1/1/08