

IN THE MATTER OF	*	BEFORE THE MARYLAND
DANIEL I. PARK, D.M.D.	*	STATE BOARD OF
Respondent	*	DENTAL EXAMINERS
License Number: 13828	*	Case Number: 2014-070

* * * * *

CONSENT ORDER

On or about September 6, 2017, the Maryland State Board of Dental Examiners (the "Board") charged DANIEL I. PARK, D.M.D. (the "Respondent"), license number 13828, under the Maryland Dentistry Act, codified at Md. Code Ann., Health Occ. I ("Health Occ.") §§ 4-101 *et seq.* (2014) (the "Act").

Specifically, the Board charged the Respondent with violating the following provisions of the Act:

Health Occ. § 4-315. Denials, reprimand, probations, suspension, and revocations – Grounds.

(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 ... unprofessionally ...;
- (20) Violates any rule or regulation adopted by the Board;

The Board charges the Respondent with violating the following regulations adopted by the Board:

COMAR § 10.44.23.01 Unprofessional ... Conduct

C. The following shall constitute unprofessional ... conduct in the practice of dentistry, dental hygiene, or dental radiation technology:

- (6) Performing a dental procedure without first obtaining informed consent from the patient or the patient's legal representative;
- (8) Committing any other unprofessional ... act or omission in the practice of dentistry, dental hygiene, or dental radiation technology [.]

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

B. Dental records shall include:

- (1) A patient's clinical chart as described in Regulation .03 of this chapter;

...

K. Dental records shall:

- (1) Be accurate;
- (2) Be detailed;
- (3) Be legible;
- (4) Be well organized; and
- (5) Document all data in the dentist's possession pertaining to the patient's dental health status;

COMAR § 10.44.30.03 Clinical Charts.

A. Each patient's clinical chart shall include at a minimum the following:

- (5) Diagnosis and treatment notes;
- (10) Identification of medications prescribed, administered, dispensed, quantity, and directions for use;
- (12) Radiographs of diagnostic quality;
- (15) Informed consent;

COMAR § 10.44.30.05 Violations

A. Failure to comply with this chapter constitutes unprofessional conduct and may constitute other violations of law.

FINDINGS OF FACT

The Board finds the following:

1. At all times relevant hereto, the Respondent was licensed to practice dentistry in the State of Maryland. The Respondent was initially licensed on August 4, 2006. His license is valid through June 30, 2018.

2. At all times relevant hereto, the Respondent maintained an office for the private practice of dentistry located at 2200 Defense Highway, Suite 208, Crofton, Maryland 21114 (the "Office").

Complaint

3. On or about October 18, 2013, the Board received a report (the "Complaint") from the Maryland Health Care Alternative Dispute Resolution Office (HCADRO) regarding claims against the Respondent made by a patient of the Respondent (Patient A).

4. The Complaint alleged that the Respondent's care and treatment of Patient A was below the standard of care.

5. Based on the Complaint, the Board initiated an investigation.

Investigation

6. In furtherance of the investigation, the Board obtained Patient A's records along with a narrative of treatment from the Respondent and the records from additional patients of the Respondent.

Expert Report

7. On or about May 3, 2016, Board referred the records of six of the Respondent's patients (Patients B, C, D, E, F & G) to an expert in endodontic treatment (the "Expert") for a review of the Respondent's endodontic treatment.

8. On or about September 27, 2016, the Expert submitted a report to the Board regarding his findings.

9. In his report, the Expert opined that the Respondent's recordkeeping was inadequate in all cases reviewed.

10. The Expert's specific findings regarding each patient are as follows.

Patient B

11. On or about September 30, 2013, the Respondent initiated root canal therapy (RCT) on tooth #5 on Patient B.

12. The Respondent failed to properly document the following: clinical exam, informed consent, diagnostic testing, diagnosis, medications, anesthesia, tooth isolation with rubber dam, irrigants, instrumentation, type of root-filling (obturant) used, complications (if any). In fact, there were no notes regarding the procedure at all in the records provided by the Respondent.

13. Based on his review, the Expert concluded that the Respondent's documentation of his treatment of Patient B was inadequate.

Patient C

14. On or about July 18, 2012, the Respondent initiated RCT on tooth #8 on Patient C.

15. The Respondent failed to properly document the following: informed consent, diagnostic testing, medications, anesthesia, tooth isolation with rubber dam.

16. Based on his review, the Expert concluded that the Respondent's documentation of his treatment of Patient C was inadequate.

Patient D

17. On or about November 4, 2013, the Respondent initiated RCT on tooth #2 on Patient D.

18. The Respondent failed to properly document the following: informed consent, diagnosis, tooth isolation with rubber dam.

19. Based on his review, the Expert concluded that the Respondent's documentation of his treatment of Patient D was inadequate.

Patient E

20. In 2010, 2011, and 2013, the Respondent performed RCT on teeth #20, #30, and #5, respectively, on Patient E.

21. The Respondent failed to properly document the following: informed consent, diagnosis, tooth isolation with rubber dam, and failed to document or provide final radiographs for teeth #20 and #30.

22. Based on his review, the Expert concluded that the Respondent's documentation of his treatment of Patient E was inadequate.

Patient F

23. Between approximately 2009 and 2014, the Respondent initiated RCT on teeth #19, #2, #20, #8, #9, #10, #18, #15, and #12 on Patient F.

24. The Respondent failed to properly document the following: informed consent, diagnosis, tooth isolation with rubber dam, and failed to document or provide final radiographs for teeth #12, #15, and #18.

25. Based on his review, the Expert concluded that the Respondent's documentation of his treatment of Patient F was inadequate.

Patient G

26. Between approximately 1999 and 2012, the Respondent initiated RCT on teeth #14, #6, #4, and #31 on Patient G.
27. The Respondent failed to properly document the following: informed consent, diagnosis, tooth isolation with rubber dam, and failed to document or provide final radiographs for teeth #31, #4, and #6.
28. Based on his review, the Expert concluded that the Respondent's documentation of his treatment of Patient G was inadequate.

CONCLUSIONS OF LAW

The Respondent's actions, as described above, constitute violations of the following provisions of the Act, specifically: Health Occ. § 4-315(a): (16) Behaves ... unprofessionally ... ; and (20) Violates any rule or regulation adopted by the Board; and the regulations adopted by the Board, as cited above.

ORDER

Based on the foregoing findings of fact and conclusions of law, it is, by a majority of a quorum of the Board, hereby:

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that the Respondent is fined in the amount of **\$5000 (FIVE THOUSAND DOLLARS)**; however, of this amount, two thousand five hundred dollars (\$2500) is hereby **STAYED**, and two thousand five hundred dollars (\$2500) is due within 30 days of the effective date of this Consent Order. In addition to any other sanctions imposed, the stay shall be lifted and the remaining two thousand five hundred dollars (\$2500) shall be due within 30 (thirty) days upon a finding by the Board that the Respondent has violated the Consent Order; and it is further

ORDERED that the Respondent shall be placed on **PROBATION** for a minimum period of **TWELVE (12) MONTHS**, commencing on the effective date of the Consent Order, and continuing until the Respondent successfully completes the following conditions:

1. Within 6 (six) months of the effective date of the consent order, the Respondent shall, at his own expense, successfully complete a course, approved by the Board in advance, equivalent to at least four (4) continuing education (C.E.) credits, focusing on dental recordkeeping; and the Respondent shall submit written verification that satisfies the Board of the successful completion of the course within 30 days of completion of the course;
2. At its discretion, during the period of probation, the Board may conduct up to three (3) record reviews of the Respondent's patient records. Each record review shall be conducted by a Board-designated expert who shall review the records of a selection of patients whom the Respondent has treated after completing the course mentioned above. The Board designee shall personally select the records of the patients on site at the Respondent's practice, and may do so at either a scheduled or unannounced visit;
3. In order to facilitate the record review described above, the Respondent shall, on the first day of each month following his completion of the course described above, provide the Board with a copy of his appointment book. The Respondent shall notify the Board beforehand of any changes to his schedule that will result in his absence from the office, unless he is unable to do so by reason of documented emergency or illness; and
4. The Respondent shall comply with the Maryland Dentistry Act;

AND IT IS FURTHER ORDERED that no part of the training or education that the Respondent receives in order to comply with this Consent Order may 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 the Board-delegated expert, 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 the Respondent shall be responsible for all costs incurred under this Consent Order; and it is further

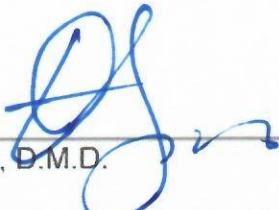
ORDERED that after a minimum of twelve (12) months from the effective date of the Consent Order, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board. The Board shall grant termination if the Respondent has fully and satisfactorily complied with all probationary terms and conditions and there are no pending investigations or outstanding complaints related to the findings of fact in this Consent Order; and it is further

ORDERED that if the Respondent allegedly fails 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;

ORDERED that this Consent Order is a public document pursuant to Md. Code Ann., Md. Code Ann., Gen. Prov. §§ 4-101 et seq. (2014).

01/17/2018
Date



Arthur C. Jee, D.M.D.
President
Maryland State Board of Dental Examiners

CONSENT

By this Consent, I, Daniel I. Park, D.M.D., 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 consulted 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.

12/18/17
Date

Dan Park
Daniel I. Park, D.M.D.
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF: Gambrells/AA

I HEREBY CERTIFY that on this 18th day of December 2017,
before me, a Notary Public of the State and County aforesaid, personally appeared Daniel
I. Park, D.M.D., 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.

[Signature]
Notary Public

My commission expires: 2/22/2020

HOWAIDA GILL
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 22, 2020

