

IN THE MATTER OF	*	BEFORE THE MARYLAND
ARPAN PATEL, D.M.D.	*	STATE BOARD OF
THE APPLICANT	*	DENTAL EXAMINERS
License Number: 13944 (Expired)	*	Case Numbers: 2015-123 & 2014-238
* * * * *	*	* * * * *

CONSENT ORDER

On or about October 7, 2014, the Maryland State Board of Dental Examiners (the "Board") received an Application for Reinstatement (the "Application") for **Arpan Patel, D.M.D. (the "Applicant")**, under License Number 13944 (expired). Based on certain responses the Applicant provided in the Character and Fitness section of the Application, the Board opened an investigation into the Applicant. Specifically, the Applicant answered "No" to the question, "Have any investigations or charges been brought against you or are currently pending in any jurisdiction by any licensing or disciplinary board or federal or state entity?" However, the Board had been investigating the Applicant in response to complaints in case no. 2014-238 and related cases.

After an investigation, the Board has determined it has grounds to charge the Applicant with violations of the Maryland Dentistry Act (the "Act"), Md. Code Ann., Health Occ. I. ("Health Occ.") §§ 4-101 *et seq.* (2014 Repl. Vol.).

Specifically, the pertinent provisions of law are as follows:

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:

- (11) Permits an unauthorized individual to practice dentistry under the supervision of the applicant or licensee.
- (16) Behaves dishonorably or unprofessionally...;

The relevant provision of the Act defines the practice of dentistry in relevant part as follows:

Health Occ. § 4-101. Definitions

...

(l) Practice dentistry. -- "Practice dentistry" means to:

- (1) Be a manager, a proprietor, or a conductor of or an operator in any place in which a dental service or dental operation is performed intraorally;

In order to resolve the case, and in lieu of the Board issuing charges, the Applicant and the Board have agreed to enter into this public Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds the following facts.

Background

1. The Applicant was initially licensed to practice dentistry in Maryland on or about November 16, 2006. The Applicant's license was last renewed on June 22, 2012 and expired on June 30, 2014.

2. The Applicant previously owned and operated a dental practice at #122 North Philadelphia Boulevard, Aberdeen, Maryland 21001.

Complaints

3. On or about January 27, 2014, the Board received a written complaint from a former patient of the practice ("Patient A"),¹ stating that the practice had been closed without notice and that he had been unable to access his records after the closure some time near the end of 2013. Subsequently, the Board received several additional complaints from other patients making similar allegations.²

4. Based on the complaints, the Board initiated an investigation under Case No. 2014-238.

Board investigation

5. On or about June 9, 2014, the Board issued a subpoena to the Applicant for the records of Patient A.

6. On or about June 24, 2014, the Board received a narrative response from the Applicant stating that on February 19, 2013, he sold the practice to Hyperion Dental Management, LLC ("Hyperion"). Attached to the Applicant's response was a copy of a Bill of Sale purported to show the transfer of the practice to Hyperion.

7. At that time the Applicant sold the practice to Hyperion, he relinquished ownership to Hyperion, and he no longer had access to the patient records.

8. Additional investigation revealed that Hyperion was owned by two members, a dentist and a non-dentist. Therefore, in selling the practice to Hyperion, the Applicant permitted a non-dentist to be the co-owner of the dental practice.

¹ To ensure confidentiality, the names of patients or other individuals will not be disclosed in this charging document. The Applicant may obtain the identity of any patient or individual referenced herein by contacting the administrative prosecutor.

² There was substantial confusion among the complainants regarding who owned the practice, but the Applicant was named in several of the complaints. The practice has at various times been operated under the different names including: Advanced Dental Care, LLC, Aberdeen Family Dentistry, Alpha Dental Excellence, LLC and Maryland Family Dental, LLC.

9. On or about February 10, 2015, the Board's investigator interviewed the Applicant at the Board's offices. During the interview, the Applicant stated that the practice has had multiple different ownership arrangements since 2007. In 2011, the Applicant became the owner of the practice, and that in approximately February 2013, he sold the practice to Hyperion.

10. The Applicant acknowledged that when he sold the practice to Hyperion, he was aware that one of the two owners was not a licensed dentist. Shortly thereafter, in approximately November, 2013, the practice closed permanently.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant's conduct, as described above, constitutes violations of the Act and the regulations adopted by the Board as cited above.

Specifically, the Applicant entered into sale with Hyperion, limited liability company that included a non-dentist member. This arrangement violated the Act's requirement that only a licensed dentist may own a dental practice, codified at Health Occ. § 4-101(l)(1). The Applicant was aware of the ownership arrangement, yet participated in the sale nevertheless.

Regardless of the legal organization, whether sole practitioner, professional corporation, limited liability company (LLC), or any other, all members with an ownership stake in a dental practice must be licensed dentists.

The Applicant's conduct constitutes: permitting an unauthorized individual to practice dentistry, in violation of Health Occ. § 4-315(a)(11); and behaving unprofessionally, in violation of Health Occ. § 4-315(a)(16).

ORDER

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

ORDERED that without undue delay, provided that all ordinary licensure requirements are met, the Board shall vote to **GRANT THE APPLICANT'S APPLICATION FOR REINSTATEMENT**; and it is further

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

ORDERED that the Applicant is **FINED** in the amount of \$5000, of which \$2500 is stayed pending compliance with this Consent Order, leaving **\$2500 PAYABLE TO THE BOARD WITHIN THIRTY (30) DAYS** of the effective date of this Consent Order; and it is further

ORDERED that the Respondent shall be placed on **PROBATION A MINIMUM PERIOD OF ONE (1) YEAR**, during which time, the Respondent shall at his own expense successfully complete a **COURSE, APPROVED IN ADVANCE BY THE BOARD, IN PROFESSIONAL ETHICS**, equivalent to two (2) continuing education (CE) credits. Such course shall not count toward the Respondent's CE requirements for licensure; and it is further

ORDERED that the Applicant shall comply with the Act; and it is further

ORDERED that the Applicant shall at all times cooperate with the Board, and any of its agents or employees, in the monitoring, supervision and investigation of the Applicant's compliance with the terms and conditions of this Consent Order, and it is further

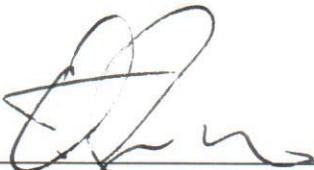
ORDERED that the Applicant shall be responsible for all costs incurred under

this Consent Order; and it is further

ORDERED that if the Applicant violates any of the terms or conditions of the Consent Order, the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board, or an evidentiary hearing if there is a genuine dispute of fact, may impose an additional probationary term and conditions of probation, reprimand, suspension, revocation and/or a monetary penalty; and it is further

ORDERED that this Consent Order is a Final Order of the Board and a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 et seq. (2014).

6/7/2017
Date



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

CONSENT

By this Consent, I, Arpan Patel, D.M.D., acknowledge that I have had the opportunity to consult with legal counsel at all stages of this matter but have decided not to do so. I understand that this Consent Order will preclude the issuance of disciplinary charges against me. Therefore, I hereby forfeit my right to a formal evidentiary hearing on any charges that would have been issued related to this case. By this Consent, I agree to be bound by the terms of this Consent Order. I acknowledge under oath that I in fact committed the specific violations as set forth above. I acknowledge under oath the accuracy of the Findings of Fact and the validity of the Conclusions of Law contained in this Consent Order. I acknowledge that for all purposes, the Findings of Fact and Conclusions of Law will be treated as if proven in 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 Findings of Fact and Conclusions of Law. 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 waive my right to any appeal in this matter. I affirm that I have asked and received satisfactory answers to all my questions regarding the language, meaning, and terms of this Consent Order. I sign this Consent Order voluntarily and without reservation, and I fully understand and comprehend the language, meaning, and terms of this Consent Order.

6-1-2017
Date


Arpan Patel, D.M.D.
The Applicant

NOTARY

STATE OF Pennsylvania

CITY/COUNTY OF: Bucks

I HEREBY CERTIFY that on this 1st day of June, 2017, before me, a Notary Public of the State and County aforesaid, personally appeared Arpan Patel, 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.

Mark Rodda

Notary Public

My commission expires: May 14, 2019

