



THE MARYLAND STATE BOARD OF DENTAL EXAMINERS

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NEWSLETTER

SPRING 2008

The President's Message

David A. Williams, DDS, MPH

I am David Williams, President of the Maryland State Board of Dental Examiners. In addition to being a full-time general practitioner in Smithsburg, I have a Masters Degree in Public Health with a concentration in Disaster Management. I tell you this because of my deep commitment to volunteerism, and the many lives that it saves.

I would like to thank the approximately 175 individuals who joined the Maryland Professional Volunteer Corps to volunteer to provide services in the event of a catastrophic occurrence. In addition, I would particularly like to thank those of you who attended the training session in January of 2007.

It is the sad truth that emergencies and disasters occur on a daily basis somewhere in the world, and it may only be a matter of time until there is an event that will impact you and your family. I therefore encourage each of you to get involved in emergency planning from the individual, through the family and office, to the local, state and federal levels.

Individual preparedness consists of those things that would impact you and those close to you in the event of an emergency. It includes maintaining a supply of medications and having adequate food and water. Bottled water and canned food are generally inexpensive, have a long shelf life, and can be consumed and replenished as their expiration dates near. In addition, you should also be sure that your personal records such as wills and powers of attorney are updated.

The individual needs of each member of the family must be addressed. This is particularly true for persons with special needs, such as the very old, the very young, or those with disabilities.

Our offices are our livelihood and they are not immune to the effects of man and nature. For example, do you have backups for your essential documents? What will you do if there is no water or electricity for two weeks? Will you pay your staff if there is a pandemic flu outbreak and one third of them are sick? All of these are best considered before the lights go out.

Don't forget the family pet! We all saw pictures of people in New Orleans that would not abandon their pet to flee the flood waters. Have a plan so that you don't have to leave Rover and Fluffy to their own devices. Good sources of information may be obtained through the American Red Cross and the Centers for Disease Control and Prevention websites.

Finally I encourage everyone to become involved in emergency response at either the local, state or federal level. You can take Citizens Emergency Response Team (CERT) training. This is a 16 hour class that covers emergency response from first aid through fire suppression to planning for disasters. Call your local emergency management agency for more details.

The Federal Emergency Management Agency (FEMA) has free courses that can be taken online. They are available at: <http://training.fema.gov/>.

You and I are health care professionals and we should all lead by example. It is crucial that we are prepared for the next disaster, and the best way to start is by being prepared and trained to protect our families, ourselves, and our communities.

Sincerely,

David A. Williams

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Oral and Maxillofacial Surgeon Bel Air

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Thank you to the following individuals for their contributions to the newsletter:

Larry J. Gray, Sr., Executive Director
Murray Sherman, Assistant Executive Director
Richard Bloom, Esq., Board Counsel
Sharon Gregg-Jones, Fiscal Analyst
Desiree DeVoe, Dental Compliance Secretary
Gloria Byrd, Case Manager
David A Williams, DDS, MPH President
Jane Casper, RDH, MA
James Goldsmith, DMD
Barbara Merritt, RDH, BS
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Barry D. Lyon, DDS Secretary-Treasurer
Newsletter Editor

Our New Executive Director

The Board wishes to welcome our new Executive Director, Mr. Larry J. Gray, Sr. Mr. Gray comes to the Board from the Maryland Department of Human Resources where he was an Inspector General. Mr. Gray spent more than 25 years establishing lotteries in the states of Maryland, Kansas, and Virginia.

Mr. Gray is a graduate of Frederick Douglas High School and Morgan State University with a degree in Business Administration concentrating in Accounting and Finance. He also participated in a Master's program in Finance and Taxation at Morgan State University. In 2004, Mr. Gray obtained the designation of Certified Inspector General from the Professional Certification Board of the Association of Inspectors General.

Dental Assistants in Maryland

David A. Williams, DDS, MPH

The Board recognizes in excess of 3000 dental assistants who are qualified in expanded functions (general duties) and or orthodontics.

In order to qualify for one time Board certification in expanded functions or in orthodontics, an applicant must be at least 18 years of age and have passed an examination administered by the Dental Assisting National Board (DANB). The examinations offered are the Maryland only examinations which limits the individual to Maryland practice, or the DANB national examination which qualifies the individual to practice in any state including Maryland.

With the exception of dentists and dental hygienists, an individual must be certified by the Board as a dental radiation technologist before they may place or expose intra-oral or extra oral radiographs.

Contact the Board for examination pre-requisite details

Please note that the Board is reviewing its dental assisting regulations. Each licensee and certificate holder is responsible for knowing current laws and regulations.

“When Can I Take X-rays?”

James P. Goldsmith, DMD



There is a misunderstanding regarding who may lawfully place and expose radiographs in the dental office. Note that only dentists, dental hygienists, and dental radiation technologists certified by the Maryland State Board of Dental Examiners may place or expose film or sensors for dental radiographs.

A candidate who is not a licensed dentist or licensed dental hygienist must first pass the Maryland approved radiation technology course. Passing this course, does not, in itself, qualify a candidate to place or expose radiographs. The candidate must then pass the DANB computerized examination. Once the DANB exam is passed, the results are forwarded to the Board. The Board then issues a dental radiation technologist's certificate. Once the Board issues the certificate, the candidate may lawfully place and expose radiographs. Recognition or certification by any other Board or body is not sufficient. The candidate must be certified by the Maryland State Board of Dental Examiners before he or she places or exposes radiographs in the dental office.

There is one exception. A student who is enrolled in an educational program recognized by the Board for dental assisting may place and expose radiographs pursuant to the educational program. When the program ceases, the candidate may not place or expose radiographs until the Board issues a certificate.

Go to the address below to access the regulations or references mentioned in this newsletter
www.dhmf.md.gov/dental/

The Release of Dental Records

Barry D. Lyon, DDS, Secretary-Treasurer



Believe it or not, the Board still receives complaints from patients that copies of their dental records are not being released in a timely fashion! Here's what the Board expects when a patient makes a written request for a copy of their dental records.

- Dentists are **required** to release copies of medical records to patients within 21 working days of the request.
- The patient may also request that the records be forwarded directly to another dentist.
- The originals may be retained by the treating dentist.
- A dentist **may not** refuse to provide copies of records because of an outstanding balance for dental services.
- A dentist **may** require that the appropriate copying fees be paid prior to providing the copies.

Dentists may charge no more than the following for copies of dental records:

69 cents per page for copying of each page of the medical record (No copying fee if originals are released).

*For copies of x-rays, models, and photographs, a dentist may charge a reasonable, cost based fee, provided that the fee includes only the cost of copying, including the cost of supplies and labor of copying.
(No copying fee if the originals are released).*

Actual cost of postage (stamps) if the records are mailed.

Failure to comply with the laws regarding the release of copies of patient records may result in the Board taking disciplinary action.

Public Health Dental Hygiene Act

Jane Casper, RDH, MA

Beginning October 1, 2008, the underserved in Maryland, especially children, will benefit from the Maryland General Assembly's passage of House Bill 1280, Chapter 316, Laws of Maryland. This new law allows a dental hygienist working in a public health setting, including schools, to practice dental hygiene and apply sealants or fluoride agents such as professional topical fluoride treatments, mouth rinse, or varnish without a prior examination by a dentist or physician. It is hoped that this important preventive service will result in an increased access to care. This is one of the first steps in finding a dental home for all of Maryland's children.



The new law does not affect the practice of dental hygiene in private dental offices.

Note: This article does not provide an exhaustive explanation of House Bill 1280. You are encouraged to read the law and become familiar with all of its provisions and conditions.

Some Examples of Complaints Received By The Board

Doing poor implants
Not changing gloves between patients
Unbundling insurance claims
Writing illegal prescriptions
Letting your assistant polish teeth
Not performing perio charting

Having an unclean office
Having rude front desk employees
Submitting fraudulent insurance claims
Trading sex for drugs
Lying on your renewal application
Letting your assistant monitor a patient under nitrous-oxide

Restoring non-cariou teeth
Not sterilizing your handpieces
Not obtaining informed consent
Up-coding insurance claims
Sexually molesting a patient
Allowing a dental assistant without certification to take x-rays

The Maryland Dental Hygienists' Association Well-Being Committee

Barbara Merritt, RDH

*Is dealing with elderly parents, work, illness, or financial problems pushing you over the edge?
Are you a victim of sexual, emotional, physical, or verbal abuse?
Would you like to seek support or treatment to overcome alcohol or drug problems?*

The Maryland Dental Hygienists' Association Rehabilitation Committee can help you by providing an initial problem assessment, making referrals for professional help, and assisting you to prevent potential problems that could affect your hygiene license.

The Board fully funds the Committee to provide well-being assistance to **ALL** licensed hygienists in the State. Licensed social workers, dental hygienists, or other health specialists will help you with issues that negatively impact your quality of life. The assessment service is free.

The Committee is ready to help you achieve a state of well-being in your life and career. It only takes a telephone call.

For additional information, please call:

Robin Swope, RDH, MSW, LCSW
Chairperson, MDHA Rehabilitation Committee
1-800-974-0068

www.maryland-dha.org

A Reminder About Record Keeping

Barry D. Lyon, DDS, Secretary-Treasurer

As part of its investigation process the Board frequently reviews patient charts. Unfortunately many of these charts have not been adequately prepared. The following deficiencies are often encountered



- Failure to update the patient's medical history on a regular basis
- No periodontal charting
- No graphic representation of decayed, missing, or filled teeth
- Inadequate number of radiographs or non-diagnostic radiographs
- No indication of informed consent
- No written treatment plan
- No endodontic diagnostic tests

You owe it to your patients to have complete, accurate, and up-to-date records. It is difficult for the Board to determine the treatment a dentist performed when it is not included in the record or the entries are illegible. Failure to have accurate and complete records could lead to a charge of incompetence and disciplinary action by the Board.

For a more complete, but not exhaustive, list of recommendations previously published by the Board, visit the following link- <http://www.dhmd.state.md.us/dental/> and click on the Spring 2006 newsletter. For an in depth article from the American Dental Association visit this link- http://ada.org/prof/resources/topics/dentalpractice_dental_records.pdf.

The Maryland Professional Volunteer Corps

Wayne Wilson Health, Occupations Investigator

The MPVC is a group of dedicated healthcare professionals who have volunteered to be notified when a crisis arises either in or out of state. Members respond and render aid to the people affected by the emergency. Hurricane Katrina was the latest use of the MPVC. Register with the Board if you are interested in volunteering. Training is provided and each volunteer receives a photo ID identifying them as a volunteer with the MPVC.

Rules and Regulations Governing Sedation and Anesthesia in the Dental Office

W. King Smith, DDS

The Maryland General Assembly granted the Board authority to draft regulations governing the use of sedation in the dental office. Previously, the Board's regulations encompassed general anesthesia and parenteral sedation.

The following general dentists and specialists are members of the Board's Sedation Committee: Ralph Alman, oral and maxillofacial surgeon; Kevin Doring, general dentist; Edward Ginsberg, pediatric dentist; Eric Kneussl, general dentist; Timothy Modic, general dentist; Kevin Murphy, periodontist and prosthodontist; Kevin Schwartz, oral and maxillofacial surgeon; Norman Tinanoff, pediatric dentist; and myself, King Smith, oral and maxillofacial surgeon.

The Committee spent several years writing the new draft. During the course of its meetings there were several public sessions where licensees provided the Committee with valuable insight.

The following serves as a general outline of the present draft. Once the Board approves the proposed regulations the proposal will undergo a promulgation process that includes an opportunity for the public to submit written comment. Please note that during the promulgation process the regulations are subject to change.

Under the present draft new facility permits will not be issued. Instead, a permit will be issued to qualified dentists to administer in specific practice locations.

There are three levels of permits:

- Class I Permit: Moderate Enteral Sedation
- Class II Permit: Moderate Parenteral Sedation
- Class III Permit: Deep Sedation and General Anesthesia



No permit will be required for the dentist to administer a single anxiolytic dosage of a drug with or without nitrous oxide / oxygen to decrease anxiety.

There will be six different certificates that will allow certified registered nurse anesthetists, physicians, or dentists to administer anesthesia or sedation at another dentist's office. The treating dentist must possess a Class I, Class II, or Class III permit.

Permits will be renewable every five years. Under certain circumstances, upon their expiration, general anesthesia and parenteral sedation administration permits in existence on the effective date of the new regulations will convert to Class III and Class II permits respectively.

It is suggested that you go to the Board's website at www.dhmd.gov/dental/ to review the draft of the regulations.

As a result of the regulations the Board anticipates that there will be a need for additional evaluators. If you are interested, an application can be obtained by contacting the Board at 410-402-8501.

INFORMED CONSENT

Richard Bloom, Esq., Board Counsel

A dentist should inform their patient of proposed treatment, and any reasonable alternatives, in a manner that allows the patient to become involved in treatment decisions.

Generally the doctrine of informed consent acknowledges a patient's right to make decisions based upon an understanding of all treatment options along with the risks and benefits of a given procedure. Here in Maryland in order for a patient to make an informed decision regarding proposed treatment, a legal duty exists to obtain the consent of the patient after adequately disclosing the nature of the condition to be treated, the nature of the treatment being proposed, the probability of success of that treatment, alternatives if any and the risks associated with the proposed treatment. A signed and dated consent form is evidence that these matters were adequately discussed with the patient and that the patient knowingly consented to the proposed treatment. In the event the patient is a minor or one who is disabled, informed consent must be obtained from the parent or guardian.

Notice to Maryland Dentists With Active General Licenses

The Maryland State Board of Dental Examiners has reduced the license renewal fee for Maryland dentists with active general licenses. ***The fee will be reduced from \$415 to \$365 for all dentists with general licenses; that is, those scheduled to renew their licenses on or before June 30, 2008, and those scheduled to renew their licenses on or before June 30, 2009.*** It is anticipated that the reduction will be eliminated beginning with the June 30, 2010 renewal cycle. Please note that license renewal should be completed on or before June 30th. A dentist who renews their license in July of the year in which their renewal is due must pay both the renewal fee and a late fee. A dentist who has not renewed their license by July 31 in the year in which the renewal is due is not eligible for renewal, but must instead apply to reinstate their license. In addition, a dentist who has not renewed their license by July 31 in the year in which the renewal was due and who has practiced dentistry on or after August 1 is practicing dentistry without a license, a misdemeanor, and is subject to disciplinary action by the Board.

Thank You!

The Maryland State Board of Dental Examiners would like to thank Mr. Richard Proctor for so capably serving as Interim Executive Director. The Board appreciates his efforts and contributions.

Maryland State Board of Dental Examiners Pro Bono Service - A Rewarding Venture!

Gloria Byrd, Case Manager

Why is the Maryland State Board of Dental Examiners Involved in Pro Bono Services?

The Board uses *pro bono* service as an agreed upon disciplinary or administrative sanction under certain circumstances. If a licensee violates the Maryland dental laws, and those violations are not related to quality of care issues, a Consent Order or Consent Agreement entered into between the Dental Board and the licensee may provide that the dentist or dental hygienist provide a certain number of pro bono hours of dental work to those who are unable to afford dental care.

It is very interesting to note that a number of dentists who agreed to provide pro bono service as a part of the Board's sanctioning process have found the experience so rewarding that they have continued to provide the services well after the agreed upon hours have been completed, sometimes for years afterward.

There are a number of State and local agencies that are in need of volunteers to provide dental, dental hygiene, and dental assisting services. Please contact me at 410-402-8528 to obtain a list of agencies.

**Maryland State Board of Dental Examiners
Disciplinary Actions Taken
April 2007 - April 2008**

LICENSEE NAME AND NUMBER	SUMMARY OF ACTION TAKEN
Marva J. Herring, DDS, Lic. #9986	Consented to an indefinite suspension effective April 18, 2007 for her failure to comply with CDC guidelines.
Suzanne Hyun Kim, DDS, Lic. #11372	Consented to a Reprimand with conditions effective April 18, 2007 for her failure to comply with CDC guidelines.
Susan L. Himmel, RDH, Lic. #2076	Consented to a one-year suspension beginning August 20, 2007 and three years probation with conditions for her failure to comply with CDC guidelines, and operating a dental practice.
Edward Neal Silverman, DDS, Lic. #13021	Consented to a 30-day suspension beginning July 1, 2007 and stayed on July 16, 2007, and two years probation with conditions for his failure to comply with CDC guidelines, and for permitting the unauthorized practice of dentistry.
Paul Vidziunas, DDS, Lic. #8250	Consented to a Reprimand w/conditions effective July 18, 2007 for his unprofessional conduct in completing his renewal application for his MD dental license by failing to disclose information about disciplinary actions taken against his license in another state.
Mohammed B. Moaddab, DDS, Lic. #9427	Final Order executed on September 5, 2007 permanently revoking license, effective September 6, 2007 for his failure to comply with CDC guidelines, and for practicing dentistry while his license was suspended. Appeal pending in the Circuit Court for Baltimore County.
Rajiv Taneja, DDS, Lic. #13739	Consent Order executed on September 5, 2007 with sixty days suspension and conditions as a result of disciplinary action taken in another state.
Robert D. Cook, DDS, Lic. #6309	Consent Order with one-year suspension effective September 15, 2007 and stayed on October 15, 2007, and 24 months probation with conditions for practicing incompetently and further, shall not practice endodontics as part of his practice.

**Maryland State Board of Dental Examiners
Disciplinary Actions Taken
April 2007 - April 2008**

LICENSEE NAME AND NUMBER	SUMMARY OF ACTION TAKEN
Michael A. Baylin, DDS, Lic. #4133	Final Order with Reprimand and probation for one-year effective October 3, 2007 for practicing dentistry in a professionally incompetent manner. Appeal pending in the Circuit Court for Baltimore County.
Ronald M. Reichart, DDS, Lic. #4574	Surrendered license effective October 17, 2007 due to a medical condition, and to terminate the terms and conditions contained in the April 5, 2004 Consent Order.
Suzanne Elizabeth Fohl, DDS, Lic. #11531	Consented to a Reprimand and one-year probation effective October 17, 2007 for permitting an unlicensed individual to practice dentistry .
Adly E. Wilson, DDS., Lic. #11917	Final Order with Reprimand and probation for two-years for practicing dentistry in a professionally incompetent manner effective November 21, 2007.
Phyllis L. Hokanson, DRT, Lic. #6050	Final Order with one-year suspension with conditions for substance abuse effective December 5, 2007.
Brenda L. Copeland, DRT, Lic. #9308	Consented to a Reprimand with conditions for substance abuse effective December 5, 2007.
Derek A. Curtis, DDS, Lic. #5564	License revoked effective December 27, 2007 for being convicted of a crime involving moral turpitude.
Steven Edwin Taylor, DDS, Lic. #10699	Consented to Reprimand with conditions for permitting an unauthorized individual to take radiographs and for dispensing drugs without the proper permit effective January 16, 2008.
Kelly Foster, DDS, Lic. #11906	Consented to a Reprimand with conditions for permitting an unauthorized individual to take radiographs effective February 21, 2008.
David Billings, Jr., DDS, Lic. #8521	Consent Order with Reprimand and three years of probation for substance abuse effective September 19, 2008.
Robert B. Smith, DDS, Lic. #4524	Surrendered license effective March 5, 2008 to avoid further prosecution for being disciplined in another state for practicing dentistry in a professionally incompetent manner.
Ophir Itzhac Alalouf, DDS, Lic. #12149	Consented to a suspension of one year effective May 2, 2008 to be stayed on August 31, 2008 followed by three years of probation w/conditions effective April 2, 2008 for practicing dentistry in a professionally incompetent manner.
Deborah Kody Tabb, DDS, Lic. #8164	Order of Reprimand and 18 months probation effective April 2, 2008 for practicing dentistry in a professionally incompetent manner. Appeal pending in the Circuit Court for Montgomery County.

Board Staff

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Contact Us

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Discipline Unit: 410-402-8538 FAX: 410-402-8523

Check out our new and improved website- www.dhmh.md.gov/dental/

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