

IN THE MATTER OF
VICTOR FALAIYE, D.D.S.
License Number 15788

*
*
*
*
*

BEFORE THE
MARYLAND STATE BOARD
OF DENTAL EXAMINERS

CONSENT ORDER OF PROBATION

In November 2022, the Maryland State Board of Dental Examiners (the "Board") received an application for reinstatement of an expired dental license from Dr. Victor Falaiye, D.D.S. (the "Respondent"). On that application, the Respondent disclosed that he had been disciplined by the Commonwealth of Virginia. The Board conducted an investigation. Based on that investigation, on July 19, 2023, the Respondent attended an informal conference with representatives from the Board in an attempt to settle this matter without the necessity of issuing formal disciplinary charges. Subsequently, the Board and the Respondent agreed to the following order.

I. FINDINGS OF FACT

The Board makes the following findings of fact:

1. On or about January 21, 2003, the Board issued the Respondent a license to practice dentistry in the State of Maryland. The Respondent subsequently allowed his license to lapse several times. The latest of these lapses occurred on June 30, 2022.

2. In November 2022, the Respondent submitted an application to reinstate his license to practice dentistry in the State of Maryland. On that application, the Respondent indicated that he had been disciplined by the Commonwealth of Virginia. The Board initiated an investigation.

3. That investigation revealed that on November 24, 2020, the Respondent entered into a Consent Order with the Virginia Board of Dentistry ("Virginia Board") that reprimanded

the Respondent's license to practice dentistry in Virginia and ordered the Respondent to pay a monetary penalty of \$5,000. According to the Virginia Board Order, for multiple patients, the Respondent failed to maintain legible records; failed to document diagnoses; failed to document treatment notes for dental procedures he performed; failed to document drugs dispensed, administered, or prescribed for several dental procedures; and failed to include radiographs in patient records. According to the Virginia Board Order, based on these facts, the Respondent violated 18 VAC 60-21-90(3), (4), (5), and (7) of the Virginia Dentistry Regulations, among other statutory and regulatory violations.

4. According to the Virginia Board Order, the Respondent admitted to the Virginia Board's findings of fact and conclusions of law.

5. Section 4-315(a)(21) of the Maryland Dentistry Act provides that the Board may reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the Board finds that: (1) the licensee was disciplined by a licensing, military or disciplinary authority in this State or any other state or country or convicted or disciplined by a court in this State or any other state or country; and (2) that the discipline or conviction was for an act that would be grounds for disciplinary action under the Board's disciplinary statutes. See Md. Code Ann., Health Occ. ("H.O.") § 4-315(a)(21).

6. In this case, the two conditions for the Board to find a violation of H.O. § 4-315(a)(21) have been met. On November 24, 2020, the Virginia Board and the Respondent entered into a consent agreement that reprimanded the Respondent's dentistry license and ordered the Respondent to pay a fine. The Board finds that the imposition of a reprimand and fine is discipline. Furthermore, the Respondent's discipline was based upon multiple and egregious instances of failing to properly document the care he performed. Therefore, the Board

finds that the Respondent's conduct in the Commonwealth of Virginia would have violated H.O. § 4-315(a)(20) ("Violates any rule or regulation adopted by the Board"). Specifically, this conduct would have violated the Board's recordkeeping regulations set forth in COMAR 10.44.30.01 *et seq.* Accordingly, the Board finds that the Respondent violated H.O. § 4-315(a)(21).

7. The Board finds that the Respondent's violations of the Maryland Dentistry Act fall within category D.(5) of the Board's sanctioning guidelines. *See* COMAR 10.44.31.06.D.(5). The range of potential sanctions under category D.(5) includes reprimand to revocation. *Id.*

III. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated H.O. § 4-315(a):

- (21) 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; specifically, H.O. § 4-315(a)(20) ("Violates any rule or regulation adopted by the Board").

IV. ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that, beginning on the effective date of this Order, the license of the Respondent to practice dentistry in the State of Maryland, License No. 15788 is placed on **PROBATION** for a minimum of **TWO (2) YEARS** subject to the following terms and conditions:

1. The Respondent's status as a dentist will be listed in the Board's computer records and website as being on "**Probation**";
2. Within **six (6) months** of the date of execution of this Consent Order, the

Respondent shall enroll in and successfully complete a Board-approved three (3) hour **course in professional ethics** and a three (3) credit hour **course in dental record keeping**, which shall not be counted toward his continuing education requirements for license renewal; and

3. The Respondent shall obey all state and federal laws.

ORDERED that the Respondent shall be responsible for paying all costs required to comply with the terms and conditions of this Order; and it is further

ORDERED that if the Board has reason to believe that the Respondent has failed 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; and it is further

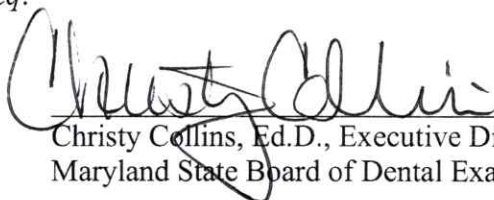
ORDERED that no earlier than **ONE (1) YEAR** after the effective date of this Order, the Board will consider a petition for termination of the Respondent's probationary status, provided that the Respondent has completed and been compliant with the probationary terms of this Order; and it is further

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

ORDERED that the Effective Date of this Consent Order is the date on which the Consent Order is executed by the Board Executive Director, and it is further

ORDERED that this document is a **PUBLIC DOCUMENT** under Md. Code Ann., General Provisions §§ 4-101 *et seq.*

9/16/2023
Date



Christy Collins, Ed.D., Executive Director
Maryland State Board of Dental Examiners

CONSENT

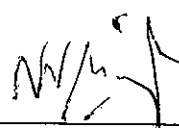
By this Consent, I, Victor Falaiye, D.D.S., agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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 had the opportunity to consult 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.

02-25-2023

Date



Victor Falaiye, D.D.S.
Respondent

NOTARY PUBLIC

STATE OF Maryland

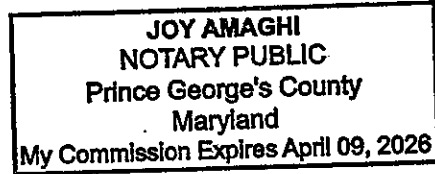
CITY/COUNTY OF: Prince George's/Laurel

I HEREBY CERTIFY that on this 25th day of August 2023,
before me, a Notary Public of the State and County aforesaid, personally appeared Victor
Falaiye, D.D.S., 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.

82.3.1.1

Notary Public



My commission expires:

Sept 1

