

IN THE MATTER OF	*	BEFORE THE MARYLAND
DARRELL A. CLARK, D.D.S.	*	STATE BOARD OF
Respondent	*	DENTAL EXAMINERS
License Number: 8308	*	Case Numbers: 2017-228
(Non-Renewed)	*	2017-229
	*	2018-030
	*	2018-042
	*	2018-043
	*	2018-092
	*	2018-156
	*	2018-234

* * * * *

**ORDER FOR SUMMARY SUSPENSION
OF LICENSE TO PRACTICE DENTISTRY**

The Maryland State Board of Dental Examiners (the "Board") hereby **SUMMARILY SUSPENDS** the license of **DARRELL A. CLARK, D.D.S.** (the "Respondent"), License Number 8308, to practice dentistry in the State of Maryland. The Board takes such action pursuant to its authority under: COMAR 10.44.07.22, determining that there is a substantial likelihood that the Respondent poses a risk of harm to the public health, safety, or welfare; and Md. Code Ann., State Gov't § 10-226(c)(2) (2014 Repl. Vol. & 2018 Supp.), concluding that the public health, safety and welfare imperatively require emergency action.

INVESTIGATIVE FINDINGS

The Board bases its action on the following findings:¹

I. BACKGROUND

¹ The statements regarding the Respondent's conduct identified herein are intended to provide the Respondent with reasonable notice of the facts. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent.

1. At all times relevant, the Respondent was licensed to practice dentistry in the State of Maryland. The Respondent was initially licensed to practice dentistry in Maryland on or about March 30, 1984, under license number 8308. The Respondent failed to renew his license, which expired on or about June 30, 2018.

2. At all times relevant, the Respondent was also licensed to practice dentistry in the State of Georgia. The Respondent was initially licensed to practice dentistry in Georgia on or about May 10, 1996, under License Number DN011499. The Respondent's Georgia dental license is current through December 31, 2019.

3. At all times relevant, the Respondent specialized in orthodontics.

4. Prior to 2016/2017, the Respondent owned and operated a dental practice with locations in Waldorf and Clinton, Maryland. According to the Respondent, he closed the Waldorf location in 2016 and the Clinton location in April 2017.

5. At various times, the Respondent provided dental services as a contractor at different dental practices in Maryland and Georgia.

6. On or about April 10, 2017, the Respondent sent a written statement by facsimile to the Board. The statement, apparently addressed to his patients, indicated that as of May 1, 2017, the practice located in Clinton, Maryland would close due to "sudden circumstances."

7. On or about May 26, 2017, the Respondent telephoned the Board and reported to a member of the Board's compliance staff that he had recently closed his practice located in Clinton, Maryland. During the telephone call, the Respondent stated that he had informed

some fraction of his patients of the closing but acknowledged he had not informed all of them.

II. COMPLAINTS

A. Case Number 2017-228

8. On or about June 29, 2017, the Board received a complaint from the parent (“Complainant 1”)² of a minor patient (“Patient 1”), who alleged that the Respondent suddenly canceled his child’s dental appointment scheduled for April 17, 2017, and that he had been unable to get in touch with the Respondent to reschedule the appointment. Complainant 1 stated that the Respondent had been providing orthodontic care to his child since the summer of 2016. Complainant 1 stated that he later found out the Respondent had closed his dental office in Clinton, Maryland. Complainant 1 alleged that the Respondent abandoned Patient 1 and failed to provide all services for which he was paid. Based on the complaint, the Board initiated an investigation of the Respondent under Case Number 2017-228.

B. Case Number 2017-229

9. On the same day that the Board received the complaint in Case Number 2017-228, it received a second complaint against the Respondent from another minor patient’s (“Patient 2”) parent (“Complainant 2”). In this second complaint, Complainant 2 made similar allegations that the Respondent closed his dental office in Clinton, Maryland without prior notification. Complainant 2 stated that she was unable to get in touch with the

² To protect confidentiality, the name of the Complainant, patients, other dentists or dental practices will not be identified by name in this document. The Respondent may obtain the identity of all individuals/entities referenced herein by contacting the assigned administrative prosecutor.

Respondent to schedule an appointment and that the Respondent had not completed the orthodontic work on Patient 2. Based on this complaint, the Board initiated a second investigation of the Respondent under Case Number 2017-229.

C. Case Number 2018-030

10. On or about August 14, 2017, the Board received a third complaint against the Respondent from a patient (“Complainant/Patient 3”) who alleged that the Respondent closed his dental office in Clinton, Maryland in May 2017 without prior notice. Complainant 3 had been seeing the Respondent for orthodontic care for approximately one and one-half years. Complainant 3 stated that she discovered from the internet that the Respondent moved his dental practice to Atlanta, Georgia, and tried to contact him there to retrieve her dental record; however, she was unsuccessful. Based on this complaint, the Board initiated a third investigation of the Respondent under Case Number 2018-030.

D. Case Numbers 2018-042 and 2018-043

11. On or about August 25, 2017, the Board received a complaint from a family member (“Complainant 4”) of two patients (“Patient 4A” & “Patient 4B”) alleging that she was unable to get in touch with the Respondent to schedule a follow up appointment after the removal of one of the patients’ braces. Moreover, Complainant 4 alleged that she made numerous attempts to obtain the patients’ orthodontic records from the Respondent without success. Complainant 4 stated that she drove to the Respondent’s dental office on July 4, 2017 and found that it was completely empty. Complainant 4 discovered the Respondent’s address in Georgia and was seeking assistance to obtain her family members’ orthodontic records. Based on the complaint, the Board initiated a fourth and fifth investigation of the

Respondent due to the involvement of two patients under Case Numbers 2018-042 and 2018-043.

E. Case Number 2018-092

12. On or about January 11, 2018, the Board received a sixth complaint against the Respondent from the parent (“Complainant 5”) of a minor patient (“Patient 5”) alleging that the Respondent closed his dental practice without prior notification and that Complainant 5 was unable to obtain his child’s orthodontic record from the Respondent. Complainant 5’s child received braces from the Respondent on or about March 3, 2016 and had had routine visits with the Respondent until February 2017. Based on the complaint, the Board initiated a sixth investigation of the Respondent under Case Number 2018-092.

F. Case Number 2018-156

13. On or about February 8, 2018, the Board received a seventh complaint against the Respondent from a patient (“Complainant/Patient 6”), who received braces from the Respondent in October 2016. At the time the Respondent installed the braces, Complainant 6 had made full payment for placement of the braces and follow up visits. Complainant 6 alleged that in late April 2017, he received a letter from the Respondent stating that the Respondent was closing his office. Complainant 6 attempted to contact the Respondent but was unable to reach him. Based on the complaint, the Board initiated a seventh investigation of the Respondent under Case Number 2018-156.

G. Case Number 2018-234

14. On or about May 24, 2018, the Board received an eighth complaint against the Respondent from a patient (“Complainant/Patient 7”), who received braces from the

Respondent in March 2014. At the time the Respondent installed the braces, Complainant 7 had made full payment for placement of the braces and follow up visits through her insurance. Complainant 7 alleged that she had an appointment for April 20, 2017, with the Respondent, which his office staff canceled. Complainant 7 stated that the Respondent's office staff never called her back to reschedule the appointment. Unable to reschedule her appointment, Complainant 7 drove by the Respondent's dental office in Clinton, Maryland on or about July 13, 2017 and found it to be abandoned. Based on the complaint, the Board initiated an eighth investigation of the Respondent under Case Number 2018-234.

III. INVESTIGATION

15. In furtherance of the combined investigation, the Board issued a subpoena to the Respondent for each of the relevant patients' dental records. For each patient, the Board also requested that the Respondent provide a written narrative of treatment. In addition, the Board also obtained dental records from the patients' subsequent providers, who treated them after Respondent's practice closed.

A. Patient Abandonment

16. In furtherance of the investigation, the Board investigator conducted interviews with many of the Complainants. The interviews confirmed that the Respondent had abandoned many of his patients in the midst of incomplete orthodontic treatment without making appropriate arrangements for continuity of care.

17. In addition, the interviews confirmed that the Respondent failed to respond to numerous attempts by patients or their guardians to reach him, and frequently failed to

provide dental records despite patient requests to do so, thereby complicating patients' efforts to seek continuation of treatment with subsequent providers.

18. On or about October 1, 2018, a Board investigator interviewed Complainant/Patient 7. Complainant/Patient 7 was receiving orthodontic treatment from the Respondent when he abruptly became unreachable in the middle of 2017. Complainant/Patient 7 has been unable to reach the Respondent to seek completion of her treatment since. Complainant/Patient 7 stated that as of that date, the braces the Respondent affixed to her teeth in 2014 were still in place as a result of the Respondent's abandonment.

19. On or about November 16, 2018, a Board investigator interviewed Complainant 2. Complainant 2's minor child, Patient 2, was receiving orthodontic treatment from the Respondent when he abruptly became unreachable in the middle of 2017. Complainant 2 has been unable to reach the Respondent to seek completion of her Patient 2's treatment. Complainant 2 stated that that as of that date, the braces the Respondent affixed to Patient 2's teeth were still in place as a result of the Respondent's abandonment. Complainant 2 also stated that despite her efforts, she has been unable to find another orthodontist who is willing to complete the treatment.

20. On or about November 19, 2018, a Board investigator interviewed Complainant 5. Complainant 5's minor child, Patient 5, was receiving orthodontic treatment from the Respondent when he abruptly became unreachable in the middle of 2017. At the time of the Respondent's abandonment, braces were affixed to Patient 5's teeth. Complainant 5 stated after much searching, she was finally able to find an orthodontist who was willing to

complete the treatment. However, the interruption caused by the Respondent's abandonment complicated the completion of the treatment and caused her additional financial stress.

21. On or about November 19, 2018, a Board investigator interviewed Complainant/Patient 6. Complainant/Patient 6 stated that although he paid the Respondent approximately \$1600 to complete the treatment, the Respondent failed to complete his orthodontic treatment. At the time of the Respondent's abandonment, braces were affixed to Complainant/Patient 6's teeth. Complainant/Patient 6 stated that he received his dental records from the Respondent around the time the Respondent closed his office in the middle of 2017.

22. On or about November 26, 2018, a Board investigator interviewed Complainant 4. Complainant 4 stated that the Respondent abandoned her minor child, Patient 4A and her husband, Patient 4B, in the middle of orthodontic treatment. Complainant 4 has been unable to reach the Respondent to request the records despite her numerous attempts. Due to the Respondent's failure to provide their dental records, the process of finding continuing care for her two family members has been complicated.

23. On or about November 26, 2018, a Board investigator interviewed Complainant 1. Complainant 1 stated that although he paid the Respondent approximately \$1800 to complete the treatment, the Respondent failed to complete orthodontic treatment for his minor child, Patient 1. At the time of the Respondent's abandonment, braces were affixed to Patient 1's teeth. Complainant 1 stated that the process of finding continuing care for Patient 1, who the Respondent abandoned in the middle of orthodontic treatment, has been complicated due to the Respondent's failure to provide dental records. Complainant 1

has been unable to reach the Respondent to request the records despite her numerous attempts.

B. Failure to Cooperate with Board Investigation

24. During the course of the investigation, the Respondent frequently failed without justification to timely respond to the Board's subpoenas for documents. The Respondent also frequently failed without justification to timely respond to Board requests for information, as described below.

1. Case Number 2017-228

25. On July 24, 2017, the Board issued a subpoena for Patient 1's dental records and requested a narrative response from the Respondent with a due date of August 7, 2017. On August 7, 2017, the Board received the dental records and a signed Certification of Records.

26. On or about August 10, 2017, the Respondent provided a narrative response.

27. On August 11, 2017, after a review of the dental records submitted by the Respondent, it was determined that there were missing records, and a second request was made for the missing documentation with a due date of Wednesday, August 23, 2017. The Respondent failed to respond.

2. Case Number 2017-229

28. On July 24, 2017, the Board issued a subpoena for Patient 2's dental records and requested a narrative response from the Respondent with a due date of August 7, 2017. On August 7, 2017, the Board received the dental records and a signed Certification of Records.

29. On August 9, 2017, after a review of the dental records submitted by the Respondent, it was determined that there were missing records, and a second request was made for the missing documentation with a due date of Wednesday, August 23, 2017. The Respondent failed to respond.

30. On or about August 10, 2017, the Respondent provided a narrative response.

3. Case Number 2018-030

31. On or about September 21, 2017, the Board issued a subpoena for Complainant/Patient 3's dental records and requested a narrative response from the Respondent with a due date of October 6, 2017. The Respondent failed to respond.

32. On November 21, 2017, the Board issued a second request to the Respondent for the records and a narrative of treatment with a due date of December 1, 2017. The Respondent failed to respond.

33. On December 15, 2017, a request was made to the Respondent for a detailed narrative of the treatment, with a due date of December 28, 2017.

34. On January 02, 2018, the Board received a hand-written statement from the Respondent referencing the patient involved in this case. However, the statement was a narrative of reasons the Respondent had trouble providing patients with records upon the closure of his office, rather than specific narrative of his patient treatment in this case.

4. Case Numbers 2018-042 & 043

35. On or about September 21, 2017, the Board issued a subpoena for the dental records of Patient 4A and Patient 4B, and requested a narrative response from the Respondent with a due date of October 6, 2017. The Respondent failed to respond.

36. On November 21, 2017, the Board issued a second request to the Respondent for the records and a narrative of treatment with a due date of December 1, 2017. The Respondent failed to respond.

37. On December 15, 2017, a request was made to the Respondent a detailed narrative of the treatment, with a due date of December 28, 2017.

38. On January 02, 2018, the Board received a hand-written statement from the Respondent referencing the two patients involved in these cases. However, the statement was a narrative of reasons the Respondent had trouble providing patients with records upon the closure of his office, rather than specific narrative of his patient treatment in these cases.

5. Case Numbers 2018-156

39. On or about February 16, 2018, the Board issued a subpoena for Complainant/Patient 6's dental records and requested a narrative response from the Respondent with a due date of March 12, 2018.

40. On March 13, 2018, the Board received the dental records and a signed Certification of Records.³

41. On August 10, 2018, after a review of the dental records submitted by the Respondent, it was determined that there were missing records, and a second request was made for the missing documentation due immediately.

42. On or about October 17, 2018, more than two months later, the Respondent submitted the requested information and records.

³ The Certification of Records is a standard form, supplied by the Board, that is signed by the Respondent signed, and states, in part, "I [the Respondent] certify and solemnly affirm under the penalties of perjury, that to the best of my knowledge, information and belief, the enclosed dental record in response to the attached subpoena are an accurate reproduction of any and all records in my possession or constructive possession..."

6. Case Number 2018-234

43. On or about June 25, 2018, the Board issued a subpoena for Complainant/Patient 7's dental records and requested a narrative response from the Respondent with a due date of July 9, 2018. The Respondent failed to respond.

44. On July 18, 2018, the Board issued a second request to the Respondent for the records and a narrative of treatment, due immediately.

45. On or about August 13, 2018, the Respondent finally submitted the information requested.

7. Case Number 2018-092

46. On or about September 26, 2018, the Board issued a subpoena for Patient 5's dental records and requested a narrative response from the Respondent with a due date of October 10, 2018.

47. On October 15, 2018, the Board received the dental records and a signed Certification of Records.

48. On December 10, 2018, after a review of the dental records submitted by the Respondent, it was determined that there were missing records, and a second request was made for the missing documentation due immediately. The Respondent failed to respond.

8. Ten Additional Records

49. On or about October 19, 2018, the Board sent the Respondent a subpoena for complete patient records for ten additional patients ("Patients 8 through 17") with a cover letter requesting that he include narrative summaries of care for the patients. The subpoena indicated a due date of November 2, 2018.

50. On or about November 8, 2018, the Respondent submitted to the Board some records pursuant to the subpoena for the patient records, but it was apparent that many documents were missing from the records submitted. The Respondent did not submit narratives of the care he provided for the patients as requested.

51. On or about November 16, 2018, the Board sent the Respondent a second subpoena for the missing contents of the patient records and again requested that he produce narrative summaries of care for the patients. The subpoena indicated that the missing records were due immediately.

52. On or about December 4, 2018, the Board sent the Respondent another letter reiterating the previous requests for the missing contents of the patient records and narrative summaries of care for the patients. The letter indicated that the records were due immediately.

53. Not until January 16, 2019 did the Board receive the requested records and narratives of his care for Patients 8 through 17.

C. Practice without Authorization

54. The Records the Respondent submitted on November 8, 2018, in response to the Board subpoena dated October 19, 2018 indicated that the Respondent continued to practice dentistry by providing dental care to patients in Maryland after his license expired on June 30, 2018.

CONCLUSIONS OF LAW

Based on the foregoing Investigative Findings, and pursuant to its authority under Md. Code Ann., State Gov't § 10-226(c)(2) (2014 Repl. Vol.), the Board concludes that the public health, safety, and welfare imperatively require this emergency action of summary suspension. In addition, pursuant to COMAR 10.44.07.22, the Board concludes that there is a substantial likelihood that the Respondent poses a risk of harm to the public health, safety, or welfare.

ORDER

Based on the foregoing, it is by the Board hereby:

ORDERED that the Respondent's license to practice dentistry in the State of Maryland, under License Number 8308 (non-renewed), is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled at the Board's next regularly scheduled meeting, not to exceed thirty (30) days from the Board's receipt, at which the Respondent will be given an opportunity to be heard as to why the Order the Summary Suspension should not continue; and it is further

ORDERED that if the Respondent files a written request for a Show Cause Hearing and fails to appear, the Board shall uphold and continue the Summary Suspension; and it is further

ORDERED that upon service of this Order for Summary Suspension, the Respondent shall immediately surrender to the Board all indicia of licensure to practice

dentistry issued by the Board that are in her possession, including but not limited to her original license, renewal certificates, and wallet size license; and it is further

ORDERED that this document constitutes an Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. Code Ann., General Provisions §§ 4-101 through 4-601 (2014).

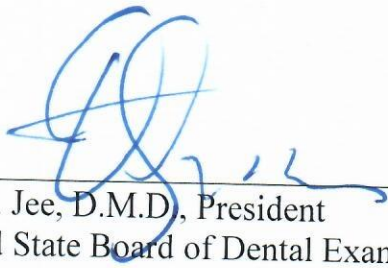
NOTICE OF HEARING

Following the Board's receipt of a written request for hearing filed by the Respondent, a Show Cause Hearing will be held at the offices of the Maryland Board of Dental Examiners, Spring Grove Hospital Center, Benjamin Rush Building, 55 Wade Avenue, Catonsville, Maryland 21228. The Show Cause Hearing will be scheduled for the Board's next regularly scheduled meeting, not to exceed thirty (30) days.

At the conclusion of the Show Cause Hearing held before the Board, the Respondent, if dissatisfied with the result of the hearing, may, within ten (10) days, file a written request an evidentiary hearing. Unless otherwise agreed to by the parties, the Board shall provide a hearing within forty-five (45) days of the Respondent's written request. The Board shall conduct an evidentiary hearing under the contested case provisions of Md. Code Ann., State Gov't §§ 10-210 *et seq.*

March 6, 2019

Date



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