

IN THE MATTER OF

\*

BEFORE THE MARYLAND

MARC G. GEBALLA, D.D.S.

\*

STATE BOARD OF

Respondent

\*

DENTAL EXAMINERS

License Number: 9990

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Case Number: 2019-125

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CONSENT ORDER

On July 9, 2019, the Maryland State Board of Dental Examiners (the “Board”) summarily suspended the license of **MARC G. GEBALLA, D.D.S.**, (the “Respondent”), License Number 9990, and charged him with violating the Maryland Dentistry Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 4-101 *et seq.* (2014 Repl. Vol.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act under Health Occ. I § 4-315:

- (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 dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession; [and]
  - (28) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control’s guidelines on universal precautions[.]

On July 17, 2019, a Case Resolution Conference was held before a committee of the Board. As a resolution of this matter, the Respondent agreed to enter this public Consent Order consisting of Findings of Fact, Conclusions of Law, Order and Consent.

## FINDINGS OF FACT

The Board makes the following Findings of Fact:

### **I. LICENSING BACKGROUND**

1. At all times relevant, the Respondent was and is licensed to practice dentistry in the State of Maryland. The Respondent was originally licensed to practice dentistry in Maryland on August 25, 1988, under License Number 9990. The Respondent's license is current through June 30, 2020.

2. At all times relevant, the Respondent was the owner of a dental practice with locations in Bowie (the "Dental Office")<sup>1</sup> and Crofton, Maryland, where he practiced dentistry. The Respondent employed at least one other staff dentist ("Dentist A") at the Dental Office.

### **II. COMPLAINT**

3. On or about April 22, 2019, the Board received a complaint referral from the Maryland Department of Labor ("DLLR"), Licensing and Regulation, Occupational Safety and Health. The referral was regarding a complaint filed with DLLR on June 12, 2018, by a staff member (the "Complainant") at the Dental Office alleging that the Respondent failed to wash his hands between treating patients and allowed an assistant to treat patients without wearing personal protective equipment ("PPE").

4. Based on the complaint referral, the Board initiated an investigation of the Respondent, the Dental Office and its staff members.

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<sup>1</sup> To ensure confidentiality, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this document.

### III. INFECTION CONTROL INSPECTION

5. Due to allegations of unsanitary dental practice at the Dental Office, on or about April 26, 2019, a Board-contracted infection control expert (the "Board Inspector"), along with a Board investigator, visited the Dental Office and conducted an infection control inspection.

6. Present during the inspection were Dentist A, the office manager, two dental assistants and a receptionist. The Respondent was not present.

7. As part of the inspection, the Board Inspector utilized the Centers for Disease Control and Prevention ("CDC") Infection Prevention Checklist for Dental Settings.

8. During the inspection, the Board Inspector was able to directly observe patient treatment by Dentist A and the dental assistants.

9. Based on the inspection, the Board Inspector found the following CDC violations:

#### **Section I: Policies and Practices**

- a. **Administrative Measures** – The Dental Office had a Maryland Occupational Safety and Health ("MOSH") manual, but the manual failed to contain written infection control policies specific to the Dental Office. Moreover, the MOSH manual was not updated, not organized and missing certain documents. The Board's "We Take Precautions for You" poster was posted in the instrument processing room and not visible to patients.



- b. **Infection Prevention Education and Training** – The Dental Office failed to maintain a training log of personnel training (upon hire and annually) on infection prevention and bloodborne pathogens standards.
- c. **Dental Health Care Personnel Safety** – The Dental Office failed to maintain required documentation on specific personnel safety plans and policies. Moreover, the Dental Office failed to maintain a Needle Stick Injury Log.
- d. **Program Evaluation** – The Dental Office failed to maintain required documentation on specific program evaluations.
- e. **Hand Hygiene** – The Dental Office failed to maintain required documentation on specific hand hygiene protocols. There was no posting of hand hygiene protocols in patient treatment areas.
- f. **Personal Protective Equipment (PPE)** – The Dental Office failed to maintain required documentation on proper training for and use of PPE.
- g. **Respiratory Hygiene/Cough Etiquette** – The Dental Office failed to maintain required documentation on specific respiratory hygiene policies and procedures for personnel and patients. The “Cover Your Cough” poster was not posted in patient waiting area.
- h. **Sharps Safety** – The Dental Office failed to maintain required documentation on Policies and Practices for Sharps Safety.

- i. **Safe Injection Practices** – The Dental Office failed to maintain documentation on Policies and Practices for Safe Injection Practices.
- j. **Sterilization and Disinfection of Patient-Care Items and Devices**  
– The Dental Office failed to maintain required documentation on sterilization and disinfection process, such as specific protocols to address instruments that failed spore testing. Moreover, processing area did not adhere to the “single loop” processing concept.
- k. **Environmental Infection Prevention and Control** – The Dental Office failed to maintain required documentation on specific environmental infection prevention and control policies and procedures.
- l. **Dental Unit Water Quality** – The Dental Office failed to maintain required documentation on specific dental unit water quality policies and procedures.

## **Section II: Direct Observation of Personnel and Patient-Care Practices**

- m. **Performance of Hand Hygiene** – The Board inspector observed Dentist A and/or her assistant failing to wash their hands or use hand sanitizer before and after gloving. The positioning of dental equipment compromised the ease of access to the sink in patient treatment area.
- n. **Use of Personal Protective Equipment (PPE)** – The Board Inspector observed Dentist A and/or her assistant failing to wear

masks and safety glasses in a correct manner. Dentist A and/or her assistant wore cloth lab jackets or short sleeve scrub shirts that they were required to launder themselves. The Board Inspector did not observe any sterile gloves being available for surgical procedures.

- o. **Respiratory Hygiene/Cough Etiquette** – The Board Inspector did not observe posting of “Cover Your Cough” poster or tissues at the patient waiting area.
- p. **Sharps Safety** – The Board Inspector found Dentist A and her assistant to be in compliance with sharps safety protocols.
- q. **Safe Injection Practices** – The Board Inspector observed preloaded aspirating syringes placed on prepared instrument trays in preparation of patient treatment.
- r. **Sterilization and Disinfection of Patient-Care Items and Devices**  
– The Board Inspector found Dentist A and/or her assistant failing to seal processed instruments in a consistent manner. She also found that processed instrument packaging failed to identify the date the instruments were processed, and which sterilizer was used. Endodontic files and rotary files were stored with open access in the static area of the treatment operatory.
- s. **Environmental Infection Prevention and Control** – The Board Inspector found Dentist A and/or her assistant failing to change gloves and perform hand hygiene after transporting contaminated



instruments. HVE/SVE, A/W handpieces were not protected with barriers.

- t. **Dental Unit Water Quality** – The Board Inspector found that the dental handpieces were flushed, suction treatment and waterline treatment were performed after treatment.

12. Based on her observations and inspection, the Board Inspector determined that the Respondent, as the owner of and a practicing dentist at the Dental Office, failed to comply with CDC Guidelines as set forth above, which posed a risk to patient and staff safety.

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's failure to comply with CDC Guidelines in his practice of dentistry at the Dental Office constitutes: behaving dishonorably or unprofessionally, or violating a professional code of ethics pertaining to the dentistry profession, in violation of Health Occ. § 4-315(a)(16); and except in an emergency life-threatening situation where it is not feasible or practicable, failing to comply with the Centers for Disease Control's guidelines on universal precautions, in violation of § 4-315(a)(28).

### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by a majority of the Board considering this case:

**ORDERED** that the Board's *Order for Summary Suspension* of the Respondent's license to practice dentistry in the State of Maryland, issued on July 9, 2019, is hereby **TERMINATED**; and it is further

**ORDERED** that the Respondent is hereby **REPRIMANDED**, and it is further

**ORDERED** that the Respondent is placed on **PROBATION** for a period of **TWO**

**(2) YEARS**, subject to the following terms and conditions:

1. A Board-assigned inspector shall conduct an unannounced inspection within ten (10) business days of the date of this Consent Order in order to evaluate the Respondent and his staff regarding compliance with the Act and infection control guidelines. The Board-assigned inspector shall be provided with copies of the Board's file, the Consent Order, and any other documentation deemed relevant by the Board.
2. The Respondent shall provide to the Board-assigned inspector a schedule of his office's regular weekly hours of practice and promptly apprise the inspector of any changes.
3. During the probationary period, the Respondent shall be subject to quarterly unannounced onsite inspections by a Board-assigned inspector.
4. The Board-assigned inspector shall provide inspection reports to the Board within ten (10) business days of the date of each inspection and may consult the Board regarding the findings of the inspections.
5. The Respondent shall, at all times, practice dentistry in accordance with the Act, related regulations, and shall comply with CDC and Occupational Safety and Health Administration's ("OSHA") guidelines on infection control for dental healthcare settings.
6. Any non-compliance with the Maryland Dentistry Act, all related statutes and regulations, and CDC and OSHA guidelines shall constitute a violation of probation and of this Consent Order.



7. On or before the fifth day of each month, the Respondent shall provide to the Board a copy of his current patient appointment book for that month.
8. Within ninety (90) days, the Respondent shall pay a fine in the amount of **TWO THOUSAND FIVE-HUNDRED DOLLARS** (\$2,500) by bank certified check or money order made payable to the Maryland Board of Dental Examiners.
9. Within six (6) months of the date of this Consent Order, the Respondent shall successfully complete a Board-approved in-person four (4) credit hour course(s) in infection control protocols, which may not be applied toward his license renewal.
10. The Respondent may file a petition for early termination of his probation after one (1) year from the date of this Consent Order. After consideration of the petition, the Board, or a designated committee of the Board, may grant or deny such petition at its sole discretion.

**AND IT IS FURTHER ORDERED** that after the conclusion of the **TWO (2)** **YEAR** probationary period, 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, or a designated Board committee. The Board, or designated Board committee, may grant the termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending complaints of similar nature; 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 the Respondent shall at all times cooperate with the Board, any of its agents or employees, and with the Board-assigned inspector, in the monitoring, supervision and investigation of the Respondent's compliance with the terms and conditions of this Consent Order

**ORDERED** that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

**ORDERED** that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014).

July 17, 2019  
Date

Francis X. McLaughlin, Jr.  
Francis X. McLaughlin, Jr.  
Executive Director  
Maryland State Board of Dental Examiners

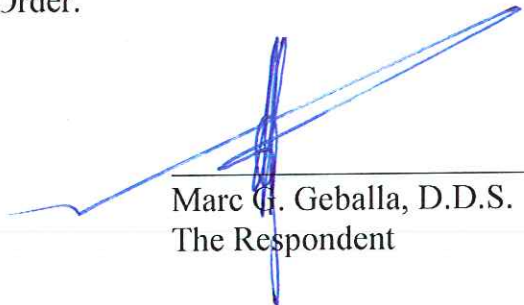
CONSENT

I, Marc G. Geballa, D.D.S., acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

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 provided by the law. I agree to forego my opportunity to challenge these allegations. 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 am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

9/17/2019  
Date

  
Marc G. Geballa, D.D.S.  
The Respondent



NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 19<sup>th</sup> day of July

\_\_\_\_\_, 2019, before me, a Notary Public of the foregoing State and City/County personally appear Marc G. Geballa, D.D.S., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.

Dandre A. Page  
Notary Public  
My commission expires: 10/10/19