

IN THE MATTER OF \* BEFORE THE MARYLAND  
 ERIN K. REEDY, D.D.S. \* STATE BOARD  
 Respondent \* OF DENTAL EXAMINERS  
 LICENSE NUMBER: 13803 (Expired) \* CASE NUMBERS: 2015-065  
 \* 2015-076  
 \* 2015-097

\* \* \* \* \*

**FINAL ORDER**

On or about December 16, 2015, the Maryland State Board of Dental Examiners (the "Board") notified ERIN K. REEDY, D.D.S. (the "Respondent"), of its intent to revoke her license to practice dentistry in the State of Maryland (the "Charges"), License Number 13803 (Expired), under the Maryland Dentistry Act (the "Act"), codified at Md. Code Ann., Health Occ. I ("Health Occ.") §§ 4-101 *et seq.* (2014), and the regulations adopted by the Board.

The pertinent provisions of the Act include:

Health Occ. § 4-315(a):

(a) *License to practice dentistry.* – Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dentistry...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;
- (20) Violates any rule or regulation adopted by the Board;
- (33) Fails to comply with any Board order; or
- (34) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board.

The pertinent regulations adopted by the Board include:

Md. Code Regs. ("COMAR"): § 10.44.23.01

- B. A dentist...may not engage in unprofessional or dishonorable conduct.
- C. The following shall constitute unprofessional or dishonorable conduct in the practice of dentistry...:
  - (2) Engaging in conduct which is unbecoming a member of the dental profession;
  - (7) Willfully and without legal justification, failing to cooperate with a lawful investigation conducted by the Board, which includes, but is not limited to:
    - (a) Furnishing information requested;
    - (b) Complying with a subpoena;
    - (c) Responding to a complaint at the request of the Board; and
    - (d) Providing meaningful and timely access to relevant patient records; or
  - (8) Committing any other unprofessional or dishonorable act or omission in the practice of dentistry, dental hygiene, or dental radiation technology.

COMAR § 10.44.30.02 General Provisions for Handwritten, Typed, and Electronic Health Records.

H. Electronic Health Records

- (2) A dentist who creates and maintains electronic health records shall maintain a back-up copy of the records and, if feasible, a back-up copy off site.

COMAR § 10.44.30.05 Violations.

Failure to comply with this chapter constitutes unprofessional conduct and may constitute other violations of law.

On or about December 16, 2015, the Board attempted to serve the Respondent with the Charges by certified mail at the Respondent's address of record and at her last known address. In accordance with the service provisions of the Administrative Procedure Act, Md. Code Ann., State Gov't. I § 10-209(c) (2014) and the Board's

service regulations, at COMAR § 10.44.07.10, the Board fulfilled its obligations to inform the Respondent of her opportunity to request within thirty (30) days a hearing before the Board made a final decision in this case. Subsequently, more than thirty (30) days elapsed without a request for hearing from the Respondent. Accordingly, the Board issues this Final Order.

### **FINDINGS OF FACT**

The Board finds the following facts.

1. At all times relevant to this Notice, 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 July 25, 2005, under license number 13803. Her license expired on or about June 30, 2015 and has not been renewed.

2. In addition, the Respondent holds a license to practice dentistry in Pennsylvania, under license number DS040323.

3. For several years, the Respondent operated her own dental practice, Reedy Family Dentistry, at 7147 Security Boulevard, Unit 100, Windsor mill, Maryland, 21244. In approximately May of 2014, the Respondent closed her practice due to financial difficulties. She subsequently moved to Pennsylvania.

### **COMPLAINT A**

4. On or about October 9, 2014, the Board received a complaint ("Complaint A," which resulted in the Board opening Case No. 2015-065) from a female patient of the Respondent ("Complainant A") alleging that the Respondent had cancelled several appointments without reasonable notice, failed to complete a procedure to repair a defective implant, closed her practice without reasonable notice, and ultimately became unresponsive Complainant A's attempts to contact her.

5. Based on Complaint A, the Board initiated an investigation.

#### **COMPLAINT B**

6. On or about October 17, 2014, the Board received a second complaint ("Complaint B," which resulted in the Board opening Case No. 2015-076) from a female patient of the Respondent ("Complainant B") alleging that in approximately February 2014, the Respondent failed to complete an implant treatment which she had begun. The Respondent then closed her practice, leaving Ms. Weaver with a hole in her socket and no dental records. The Respondent subsequently promised to complete the implant treatment in August 2014 at another dental office where the Respondent was temporarily working. However, when Complainant B arrived at the office for the scheduled appointment with the Respondent, she was advised that the Respondent was no longer working there. Complainant B's subsequent attempts to contact Respondent were unsuccessful.

#### **COMPLAINT C**

7. On or about November 24, 2014, the Board received a third complaint ("Complaint C," which resulted in the Board opening Case No. 2015-097) from a female patient of the Respondent ("Complainant C") alleging that the Respondent failed to honor promises to provide her with copies of her and her husband's dental records, and that attempts to contact the Respondent have been unsuccessful.

#### **BOARD INVESTIGATION**

8. On November 25, 2014, the Board issued a subpoena for the patient records of Complainant A and sent it via certified and regular mail to the Respondent's address of record. The Respondent failed to comply with this subpoena.

9. On December 8, 2014, the Board issued a subpoena for the patient records of Complainant B and sent it via certified and regular mail to the Respondent's practice address of record. This subpoena was returned to the Board as undeliverable, although the Respondent failed to inform the Board of any change of address.

10. On December 11, 2014, in a telephone conversation with the Board's investigator, the Respondent acknowledged receipt of the November 25, 2014 subpoena for Complainant A's patient records. The Board investigator requested that the Respondent supply the Board with a written explanation regarding the closure of her practice and her reasons for not complying with the Board's subpoena.

11. On or about December 15, 2014, the Board received an email message from the Respondent. In the message, the Respondent stated that patient records from her defunct practice were electronic and maintained on computer servers located inside the practice location. When the practice closed, the Respondent failed to retrieve the servers before moving to Pennsylvania. Therefore, the servers containing patient records were currently in possession of the bank that repossessed the property. The Respondent claimed she was attempting to contact the bank in order to facilitate access and retrieval of the patient records. The Respondent apparently failed to maintain a copy of the electronic patient records.

12. In the December 15, 2014 email, the Respondent also acknowledged that she had failed to finish Complainant A's treatment, and had been "negligent" in her care.

13. On February 2, 2015, the Board sent a warning letter to Respondent regarding her failure to comply with the Board's November 25, 2014 subpoena for Complainant A's patient records. Respondent was given a deadline of February 17,

2015 to produce the requested records. The Respondent failed to comply by the deadline.

#### **BOARD INTERVIEW**

14. On March 30, 2015, the Board's investigator interviewed the Respondent under oath at the Board's offices. During the interview, the Respondent stated that in May 2014, she filed for Chapter 7 Bankruptcy and closed the practice. In September 2014, the bank changed the locks on the practice location doors, and she was unable to enter.

15. The Respondent also stated that at some time during the summer of 2014, she sent a mass email to some of her approximately 1100 patients notifying them of the practice's closure. In addition, the Respondent stated that she set aside three or four days during which she was willing to provide patient records, although it was unclear whether she provided notice of this opportunity to any patients.

16. However, during the interview, the Respondent also admitted that she failed to follow through on arrangements made with some patients to collect their records and failed to inform patients when she was unable to deliver their records as promised.

17. The Respondent also acknowledged failing to complete Complainant A's and Complainant B's procedures, but was dismissive of the importance of providing patient records in order to facilitate continuing care, stating, "I understand wanting to comply and get the patients their records, but they're not having open-heart surgery. I mean this is so.... I've seen many patients who went to many previous dentists and I never had any records."

18. The Respondent also admitted that she had failed to comply with the Board's November 25, 2014 subpoena, and also that she failed to follow through on her promises to provide patient records to Complainant A and Complainant C in response to their requests.

19. Further, the Respondent stated that even after the practice closed in May, she was able to access the practice premises freely until approximately September. Nevertheless, she took no steps to preserve the patient records, provide them to all patients requesting them, or make a backup copy.

20. When asked what attempts she had made to access the patient records held on the servers she had left inside the practice location since the bank's repossession of the premises, the Respondent stated that she contacted the bank around December 2014. Upon her request, the bank invited her to enter the practice location in order to retrieve patient records, but the Respondent found the terms disagreeable, and declined:

They said I might be able to get in if I do this, this, this. I don't remember exactly to be honest with you. And they were being very difficult of trying to let me into the office without like an armed guard with me, thinking, I don't know, I'm going to steal the computers or something. So does that answer your question?

## **PRACTICE INSPECTION**

21. Following the interview, on or about April 9, 2015, the Board received an email from the Respondent in which she stated without elaboration that she is "completely unable" to retrieve any of the patients' records due to a lack of internet or electricity service at the location.

22. On or about June 9, 2015, the Board's investigator received a call from a representative of the leasing company for the Respondent's practice location. The

representative stated that there were eight (8) shelving units full of paper records left at the Respondent's former practice. The representative offered to allow the Board investigator to inspect the premises.

23. That same day, the Board investigator inspected the premises. The premises appeared to have been hastily abandoned with little or no preparation or cleanup. Used instruments, equipment, and miscellaneous papers were left in place.

24. The inspection revealed that the Respondent also left approximately eight large shelving units of paper patient records relating to numerous patients dating from 2010-2013. These included some records for Complainant B.

25. Electricity service was operating at the location.

#### **CONCLUSIONS OF LAW**

Based on the Findings of Fact, the Board concludes that the Respondent's conduct, as described above, constitutes violations of the Act and the regulations adopted by the Board as cited above. Specifically:

- A. The Respondent's failure to complete the procedures for Complainant A and B; failure to provide patient records upon request of the patients constitutes; and failure to properly safeguard patients' paper and electronic records: engaging in dishonorable or unprofessional conduct, in violation of Health. Occ. § 4-315(a)(16); and violating a rule or regulation adopted by the Board, in violation of Health Occ. § 4-315(a)(20), specifically: COMAR § 10.44.23.01B, C(2) & (8).
- B. The Respondent's failure to cooperate with the Board's investigation, including failing to comply with subpoenas for records, constitutes: engaging in dishonorable or unprofessional conduct, in violation of Health.



Occ. § 4-315(a)(16); violating a rule or regulation adopted by the Board, in violation of Health Occ. § 4-315(a)(20), specifically: COMAR § 10.44.23.01B, C(2), (7)(a), (7)(b), (7)(c), (7)(d), & (8); failing to comply with any Board order, in violation of Health Occ. § 4-315(a)(33); and willfully and without legal justification, failing to cooperate with a lawful investigation conducted by the Board, in violation of Health Occ. § 4-315(a)(34).

- C. The Respondent's failure to properly maintain electronic patient records or make a copy of them constitutes: violating a rule or regulation adopted by the Board, in violation of Health Occ. § 4-315(a)(20), specifically: COMAR § 10.44.30.02H(2).

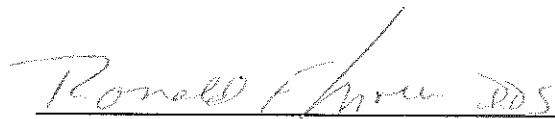
**ORDER**

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

**ORDERED** that the Respondent's license to practice dentistry in the State of Maryland, license number 13803 (Expired), is hereby **REVOKED**; and it is further

**ORDERED** that this Final Order shall be a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., General Provisions, § 4-101 through 4-601 (2014).

01/20/2016  
Date

  
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Ronald F. Moser, D.D.S., President  
Maryland State Board of Dental Examiners