

IN THE MATTER OF * BEFORE THE MARYLAND
PAULA R. TYSON, D.R.T. * STATE BOARD OF
RESPONDENT * DENTAL EXAMINERS
Certificate Number: 15726 * Case Number: 2015-176

* * * * *

CONSENT ORDER

In or around February 2017, the Maryland State Board of Dental Examiners (the “Board”) opened an investigation of Paula R. Tyson, D.R.T. (Dental Radiation Technologist) (the “Respondent”), License Number 15726. Based on its investigation, the Board has grounds to charge the Respondent with violating provisions of her consent order, dated December 4, 2015 (the “2015 Consent Order”, attached hereto as Attachment 1), pursuant to the compliance provision of the 2015 Consent Order, which provides in relevant part the following:

ORDERED that if the Respondent violates any of the terms or conditions of the Consent Order, the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board, may impose an additional probationary term and conditions of probation, reprimand, suspension, revocation and/or a monetary penalty, said violation of probation being proved by a preponderance of the evidence

Specifically, the Board has grounds to charge the Respondent with violating the following probationary terms and conditions of the 2015 Consent Order:

- i. Within **thirty (30) days**, the Respondent shall, at her own expense, sign a monitoring contract with and begin counseling, including regular (at least monthly) visits, with an addiction counselor under the auspices of the Dental Well-Being Committee. A violation of the monitoring contract shall constitute a violation of this Consent Order. The Respondent shall continue this counseling regime for a minimum period of **three (3) years**;

FINDINGS OF FACT

The Board finds the following facts.

Background

1. The Respondent was initially certified by the Board to practice as a dental radiation technologist (DRT) in the State of Maryland on or about September 29, 2009.

2. On or about December 4, 2015, following an investigation and charges against the Respondent,¹ the Maryland State Board of Dental Examiners (the "Board") and the Respondent agreed to enter into the 2015 Consent Order, which concluded that the Respondent had violated the regulations governing the practice of dental radiation technology adopted by the Board under Md. Code Ann., Health Occ. § 4-405 including the following:

COMAR 10.44.19.11A.

- (3) Fraudulently or deceptively obtains or attempts to obtain a certificate for the applicant or for another;
- (6) Violates any rule or regulation adopted by the Board;
- (7) Is convicted of or pleads guilty or *nolo contendere* to a felony or a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (15) Behaves dishonorably or unprofessionally.

3. Following the execution of the 2015 Consent Order, the Board received regular reports from the Dental Wellbeing Committee about the Respondent's progress.

¹ See Attachment 1, the 2015 Consent Order, for a description of the Respondent's conduct that led to the Board's initiation of charges.

4. The reports documented that between February 2017 and December 2017, the Respondent failed to attend counselling sessions as mandated by her Board Order and her DWB monitoring contract.

5. On or about August 13, 2018, the Board received a letter from the chair of the Dental Wellbeing Committee reporting that the Respondent was not complying with her monitoring contract.

6. The records obtained by the Board indicate that there was a period of several months that the Respondent was not able to attend in-person meetings as recommended by the Dental Wellbeing Committee. The Respondent's inability to attend the meetings was a result of her severe medical issues that made mobility difficult.

7. On November 27, 2018, the Board received a report from the Well-Being Committee that the Respondent is currently "in compliance with her agreement with the DWB committee."

8. Following the receipt of these reports, and a review of the records, the Board's investigator presented the information to a committee of the Board, which voted to offer the Respondent the opportunity to enter into this Pre-Charge Consent Order in lieu of issuing disciplinary charges.

9. Following discussions with the administrative prosecutor, the Respondent agreed to enter into this Pre-Charge Consent Order.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's conduct, including failing to adhere to the requirements of her

monitoring contract with the Dental Wellbeing Committee and related recommendations, constitute violations of the 2015 Consent Order, specifically those provisions cited above.

ORDER

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

ORDERED that the 2015 Consent Order is hereby superseded by this Pre-Charge Consent Order; and it is further

ORDERED that the probationary period begun under the terms of the 2015 Consent Order is hereby extended and continued for an additional period of **TWO (2) YEARS**, commencing on the date this Pre-Charge Consent Order is executed, under the following terms, which are for all intents and purposes continuations of the remaining terms of the 2015 Consent Order, specifically:

- i. The Respondent shall continue to adhere to her monitoring contract with and continue counseling, including regular (at least monthly) visits, with an addiction counselor under the auspices of the Dental Well-Being Committee. A violation of the monitoring contract shall constitute a violation of this Pre-Charge Consent Order. The Respondent shall continue this counseling regime for the duration of the probationary period or as long as recommended by the Dental Wellbeing Committee;
- ii. For the duration of the probationary period, the Respondent's counselor shall perform urine drug testing at random intervals and at the request of the Board. All test results shall be submitted to the Board monthly, and a positive test result shall, in the Board's sole discretion, shall constitute a violation of this Pre-Charge Consent Order.
- iii. The counselor shall submit quarterly (i.e. every three months) reports to the Board regarding the Respondent's progress in addressing her misuse of CDS. The Respondent shall execute

and extend all necessary waiver forms to permit all appropriate information to be sent to the Board in connection with fulfilling the terms of this Pre-Charge Consent Order. A report from the counselor indicating that the Respondent is no longer constructively addressing her misuse of CDS in a satisfactory manner shall constitute a violation of this Pre-Charge Consent Order;

- iv. The Respondent shall present a copy of this Pre-Charge Consent Order to the counselor; and
- v. The Respondent shall, at all times, practice dental radiation technology in accordance with the Act and related regulations; and it is further

ORDERED that no part of the training or education that the Respondent receives in connection with this Pre-Charge Consent Order may be applied to her required continuing education credits, and it is further

ORDERED that the Respondent shall at all times cooperate with the Board, and any of its agents or employees, in the monitoring, supervision and investigation of the Respondent's compliance with the terms and conditions of this Pre-Charge Consent Order, and it is further

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

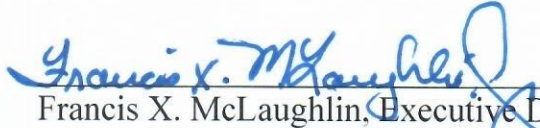
ORDERED that after a minimum of two (2) years from the effective date of this Pre-Charge Consent Order, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board. The Board shall grant termination if the Respondent has fully and satisfactorily complied with all of the probationary terms

and conditions and there are no pending investigations or outstanding complaints related to the charges or violations of this Pre-Charge Consent Order; and it is further

ORDERED that if the Respondent violates any of the terms or conditions of the Pre-Charge Consent Order, the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board, may impose an additional probationary term and conditions of probation, reprimand, suspension, revocation and/or a monetary penalty, said violation of probation being proved by a preponderance of the evidence; and it is further

ORDERED that this Pre-Charge Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. § 4-101 *et seq.* (2018).

August 7, 2019
Date



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

CONSENT

By this Consent, I, Paula R. Tyson, D.R.T., acknowledge that I have had the right and free opportunity to consult with counsel at this and all stages of this matter. I understand that this Pre-Charge Consent Order will resolve the investigation against me in this matter in lieu of Charges and a formal evidentiary hearing. By this Consent, I agree to be bound by the terms of this Pre-Charge Consent Order. I acknowledge under oath that I in fact committed the specific violations as set forth above. I acknowledge

under oath the accuracy of the Findings of Fact and the validity of the Conclusions of Law contained in this Consent Order. I acknowledge that for all purposes, the Findings of Fact and Conclusions of Law will be treated as if proven and/or 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 Findings of Fact and Conclusions of Law. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Pre-Charge Consent Order. I affirm that I waive my right to any appeal in this matter. I affirm that I have asked and received satisfactory answers to all my questions regarding the language, meaning, and terms of this Pre-Charge Consent Order. I sign this Pre-Charge Consent Order voluntarily and without reservation, and I fully understand and comprehend the language, meaning, and terms of this Pre-Charge Consent Order.

7/31/2019
Date

Paula R Tyson
Paula R. Tyson, D.R.T.
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF: Anne Arundel

I HEREBY CERTIFY that on this 31 day of July,
2019, before me, a Notary Public of the State and County aforesaid, personally appeared
Paula R. Tyson, and gave oath in due form of law that the foregoing Consent Order was
her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

John R. Crown
Notary Public

My commission expires: 6/23/2022

