

IN THE MATTER OF

CHRISTOPHER C. FORTIN, D.D.S.

Applicant

\* BEFORE THE MARYLAND  
\* STATE BOARD OF  
\* DENTAL EXAMINERS  
\* Case Number: 2018-245

\* \* \* \* \*

FINAL ORDER

On the 6th day of February, 2019, the Maryland State Board of Dental Examiners (the "Board") notified CHRISTOPHER C. FORTIN, D.D.S. (the "Applicant") of the Board's intent to deny his deny his *Application for Dental Licensure for Dentists Licensed in Another State* (the "Application"), filed on March 5, 2018, pursuant to the Maryland Dentistry Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 4-101 *et seq.* (2014 Repl. Vol.) and COMAR 10.44.23.01C (2).

The Board based its action on the Applicant's violation of the following provisions of the Act:

**Health Occ. § 4-315. Denials, reprimands, probations, suspensions, and revocations -- Grounds.**

(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, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the Applicant or licensee or for another;

- (7) Has had a license to practice dentistry revoked or suspended in any other state;
- (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;
- (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; [and]
- (22) Willfully makes or files a false report or record in the practice of dentistry[.]

The underlying grounds for disciplinary action under Health Occ. § 4-315(a)(21) include Health Occ. § 4-315(a):

- (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession; [and]
- (20) Violates any rule or regulation adopted by the Board[.]

The Board further based its action on the Applicant's violation of the following rule or regulation adopted by the Board:

**COMAR 10.44.23.01 Unprofessional or Dishonorable Conduct**

C. The following shall constitute unprofessional or dishonorable conduct in the practice of dentistry, dental hygiene, or dental radiation technology:

...

- (2) Engaging in conduct which is unbecoming a member of the dental profession.

In its Notice, the Board informed the Applicant that he had the opportunity to request a hearing before the Board by submitting a request in writing to the Board's Interim Executive Director within thirty days of service of the Notice. More than thirty days have elapsed since the service of the Notice on the Applicant, and the Applicant has not requested a hearing.

### FINDINGS OF FACT

The Board makes the following findings of fact:

#### **I. BACKGROUND**

1. The Applicant is not and has never been licensed to practice dentistry in the State of Maryland.

2. The Applicant is licensed to practice dentistry in the State of Delaware. The Delaware Board of Dentistry and Dental Hygiene (the "Delaware Board") issued the Applicant a dental license on July 11, 2005, under License Number G1-0001194.

#### **II. BOARD INVESTIGATION**

3. The Applicant submitted his Application, dated March 5, 2018, which the Board received on March 15, 2018.

4. In the Application under the section entitled "SECTION V – CHARACTER AND FITNESS," the Applicant marked "YES" to QUESTION(a), which asked:

Has any licensing or disciplinary board of any jurisdiction, including Maryland, or any federal entity denied your application for licensure, reinstatement, or renewal, or taken any action against your license, including but not limited to reprimand, suspension, revocation, a fine, or non-judicial punishment? If you are under Board Order or

were ever under Board Order in a state other than Maryland, you must enclose a certified legible copy of the entire Order with this application.

5. In a written explanation to QUESTION(a) dated April 25, 2018, the Applicant stated:

The Delaware Dental Board placed my dental license on probation status due to professional conduct violation stemming from 2016 3<sup>rd</sup> offense DUI arrest. Initial order for suspension was reduced to probation with consent to enter the Delaware Professional Health Monitoring Program. During the three year period of probation, I will be subject to urine analysis randomly. Further details can be found in the Board Order included with this application.

6. In the Application under the section entitled "SECTION V – CHARACTER AND FITNESS," the Applicant marked "YES" to QUESTION(b), which asked:

Have any investigations or charges been brought against you or are any currently pending in any jurisdiction, including Maryland, by any licensing or disciplinary board or any federal or state entity?

7. In a written explanation to QUESTION(b) dated April 25, 2018, the Applicant stated:

I was charged by the State of Delaware with 3<sup>rd</sup> offense DUI, a class G felony. The dental board "charged" me violating the rules of professional conduct. Details can be found in the Board Order included with this application.

8. In the Application under the section entitled "SECTION V – CHARACTER AND FITNESS," the Applicant marked "YES" to QUESTION(f), which asked:

Have you pled guilty, nolo contendere, had a conviction or receipt [*sic*] probation before judgment or other diversionary disposition of any criminal act, excluding minor traffic violations?

9. In a written explanation to QUESTION(f) dated April 25, 2018, the

Applicant stated:

I plead guilty to 3<sup>rd</sup> DUI – felony DUI charge and was sentenced to a minimum of 90 days incarceration and completion of the Reflection DUI Program at Sussex Correctional Institution in Georgetown, Delaware. I served 120 days and completed the program. Details can be found in the Board program. Details can be found in the Board Order included with this application.

10. In the Application under the section entitled “SECTION V – CHARACTER AND FITNESS,” the Applicant marked “YES” to QUESTION(g), which asked:

Have you pled guilty, nolo contendere, had a conviction, or receipt [*sic*] of probation before judgment or other diversionary disposition for an alcohol or controlled dangerous substance offense including but not limited to driving while under the influence of alcohol or controlled dangerous substances?

11. In a written explanation to QUESTIONS(g) dated April 25, 2018, the

Applicant stated:

I was convicted in 2012 for DUI and completed 1<sup>st</sup> offender program. In 2015, I plead guilty to drug/alcohol related, and in 2016 was convicted of reckless driving/Alcohol Related, and in 2016, was convicted of 3<sup>rd</sup> offense felony DUI. I was entered into the Delaware Professional Health Monitoring Program and am subject to random urine screening for alcohol. I have completed the probation ordered by the State of Delaware and currently have an Ignition Interlock Device in my vehicle by order of the Delaware D.M.V. Further dates can be found in the Board Order included with this application.

12. Based on the Applicant's written responses, the Board initiated an investigation of the Applicant.

**A. APPLICANT'S DISCIPLINARY HISTORY**

13. Based on the Applicant's disclosure of disciplinary history in Delaware, the Board obtained a copy of a Consent Order (the "Delaware Consent Order") between the Applicant and the Delaware Board, dated January 19, 2017, as well as the Delaware Board's investigative file.

14. In the Delaware Consent Order under Case Number 09-09-16, the Applicant agreed that on or about July 8, 2016, the Applicant was involved in a motor vehicle accident in Milford, Delaware. Investigation by law enforcement revealed that the Applicant had a blood alcohol level of 0.187% at the time of the accident.

15. The Applicant further agreed that prior to the accident on July 8, 2016, the Applicant had two prior arrests for Driving a Vehicle Under the Influence of Alcohol or Drugs ("DUI") in Delaware. The first arrest was in or around 2012 after which the Applicant entered into the First Offender Election Program in Case Number 1205016358. The second arrest resulted in the Applicant's conviction for Alcohol Related Reckless Driving on or about April 27, 2016.

16. The Delaware Board concluded that the Applicant's actions violated 24 Del. C. § 1128(11) in that he engaged in the excessive use or abuse of drugs.

17. Pursuant to the Delaware Consent Order, the Delaware Board suspended the Applicant's Delaware dental license for a period of three years, which is immediately stayed, followed by three years of probation during which the Applicant was required to

enroll in the Delaware Professionals' Health Monitoring Program and complete certain continuing education courses.

**B. FAILURE TO DISCLOSE PRIOR MARYLAND DUI**

18. As a part of its investigation, the Board conducted a search of whether the Applicant had any criminal history in Maryland. Based on its search, the Board discovered that the Applicant had a prior DUI conviction in Maryland, which he willfully failed to disclose in his Application.

19. On or about June 12, 2007, the Applicant pleaded guilty to and was convicted of Driving While Under the Influence, in violation of Md. Code Ann., Transp. ("Transp.") § 21-902(a)(1), in the District Court of Maryland for Dorchester County under Case Number 000000EB32711. The Applicant was sentenced to 45 days confinement with all but two days suspended followed by 18 months of supervised probation.

**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that it is authorized to deny the Applicant's Application based on the Delaware Consent Order in which the Delaware Board suspended the Applicant's Delaware dental license but immediately stayed the suspension and placed the Applicant on three years of probation, which constitutes: having had a license to practice dentistry revoked or suspended in any other state, in violation of Health Occ. § 4-315(a)(7); 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); violating any rule or

regulation adopted by the Board, *to wit* COMAR 10.44.23.01C(2), in violation of Health Occ. § 4-315(a)(20); and being 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, *to wit* Health Occ. §§ 4-315(a)(16) and (20), in violation of Health Occ. § 4-315(a)(21).

The Board further finds that it is authorized to deny the Applicant's Application based on the Applicant's willful failure to disclose in his Application that on or about June 12, 2007, he pleaded guilty to and was convicted of Driving While Under the Influence, in violation of Transp. § 21-902(a)(1), in the District Court of Maryland for Dorchester County, which constitutes: fraudulently or deceptively obtaining or attempting to obtain a license for the Applicant, in violation of Health Occ. § 4-315(a)(1); 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); violating any rule or regulation adopted by the Board, *to wit* COMAR 10.44.23.01C(2), in violation of Health Occ. § 4-315(a)(20); and willfully making or filing a false report or record in the practice of dentistry, in violation of Health Occ. § 4-315(a)(22).

### **ORDER**


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

**ORDERED** that the Applicant, Christopher C. Fortin, D.D.S.'s *Application for Dental Licensure for Dentists Licensed in Another State*, filed on March 5, 2018, be and hereby is **DENIED**; and it is further



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

April 3, 2019  
Date

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

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Code Ann., Health Occ. § 4-315(b) (2014 Repl. Vol.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of service of this Order and shall be made as provided for judicial review of a final decision in the Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol.) and Title 7, Chapter 200 of the Maryland Rules.