

IN THE MATTER OF	*	BEFORE THE MARYLAND
LISA V. THOMPSON, D.D.S.	*	STATE BOARD OF
Applicant	*	DENTAL EXAMINERS
License Number: 13668 (EXPIRED)	*	Case Number: 2016-232

* * * * *

CONSENT ORDER

On or about June 20, 2018, the Maryland State Board of Dental Examiners (the "Board") notified **LISA V. THOMPSON, D.D.S.** (the "Applicant"), license number 13668 (EXPIRED), of its intent to deny her "Application for Reinstatement of Expired Dental or Dental Hygiene General or Teacher's License" (the "Reinstatement Application") under the Maryland Dentistry Act, codified at Md. Code Ann., Health Occ. ("Health Occ.") §§ 4-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.) (the "Act") and the regulations adopted by the Board under Md. Code Regs. ("COMAR") 10.44.01 *et seq.*

Specifically, the Board charged the Applicant with violating the following provisions of the Act:

Health Occ. § 4-101. Definitions.

....

(1) Practice dentistry. -- "Practice dentistry" means to:

- (1) Be a manager, a proprietor, or a conductor of or an operator in any place in which a dental service or dental operation is performed intraorally;
- (2) Perform or attempt to perform any intraoral dental service or intraoral dental operation;

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BOARD OF DENTAL EXAMINERS

- (3) Diagnose, treat, or attempt to diagnose or treat any disease, injury, malocclusion, or malposition of a tooth, gum, or jaw, or structures associated with a tooth, gum, or jaw if the service, operation, or procedure is included in the curricula of an accredited dental school or in an approved dental residency program of an accredited hospital or teaching institution; [or]
- (5) Place or adjust a dental appliance in a human mouth[.]

.....

Health Occ. § 4-301. License required; exceptions.

(a) In general. --

- (1) Except as otherwise provided in this title, an individual shall be licensed by the Board to practice dentistry before the individual may practice dentistry on a human being in this State.

Health Occ. § 4-302. Qualifications of applicants.

- (a) In general. -- Except as otherwise provided in this title, to qualify for a license, an applicant shall be an individual who meets the requirements of this section.
- (b) Moral character. -- The applicant shall be of good moral character.

Health Occ. § 4-315. Denials, reprimand, probations, suspension, and revocations -- Grounds.

- (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:
 - (2) Fraudulently or deceptively uses a license;
 - (3) Obtains a fee by fraud or attempts to obtain a fee by fraud;
 - (13) Violates any restriction on advertising in § 4-503 of this title;
 - (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;
- (26) Uses or promotes or causes the use of any misleading, deceiving, or untruthful advertising matter, promotional literature, or testimonial;
- (33) Fails to comply with any Board order; [and]
- (34) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board[.]

Health Occ. § 4-317. Penalty instead of suspension or in addition to suspension, revocation, or reprimand

- (a) Imposition of penalty. -- If after a hearing under § 4-318 of this subtitle the Board finds that there are grounds under § 4-315 of this subtitle to suspend or revoke a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry, or to reprimand a licensed dentist, the Board may impose a penalty not exceeding \$ 5,000:
 - (1) Instead of suspending the license; or
 - (2) In addition to suspending or revoking the license or reprimanding the licensee.

Health Occ. § 4-503. Advertising

- (a) Advertising by licensed dentists. -- A licensed dentist may not advertise:
 - (4) Falsely or in a manner that tends to deceive or mislead the public.

Health Occ. § 4-601. Practicing without license; aiding or abetting unauthorized practice

- (a) Practicing without license. -- Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice dentistry or dental hygiene on a human being in this State unless licensed by the Board.

Health Occ. § 4-602. Misrepresentation

- (a) In general. --
 - (1) Except as otherwise provided in this section, unless authorized to practice dentistry under this title, a person may not represent to the

public by title, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice dentistry in this State.

The Board charges the Applicant with violating the following regulations adopted by the Board:

COMAR 10.44.06.02 Prohibition of Deceptive or Misleading Statements or Claims.

- A. A dentist may not, on behalf of himself, his partner, or his associate, or for any other dentist affiliated with him, use or participate in the use of any form of public communication which contains a deceptive or misleading statement or claim.
- B. Deceptive or misleading statements or claims are those that:
 - (1) Contain a material misrepresentation of fact;
 - (2) Fail to state any fact necessary to make the statement not misleading;
 - (3) Are intended or are likely to create unjustified expectations;
 - (6) Contain a representation or implication that is likely to cause an ordinary prudent person to misunderstand or to be deceived[.]

COMAR 10.44.06.04 Responsibility.

A dentist shall be responsible for an advertisement of service regardless of whether the advertising has been generated by him personally, by his employees, or by a proprietorship, partnership, corporation, union, public school clinic, state institution, or eleemosynary institution which uses his services.

COMAR 10.44.06.05 Penalties for Violation.

Violations of these regulations pertaining to the use of advertising shall constitute unprofessional conduct and may result in disciplinary action against the dentist as set forth in Health Occupations Article, § 4-315, Annotated Code of Maryland.

On or about July 17, 2019, following a Case Resolution Conference (CRC) at the Board's offices, the Applicant agreed to enter in to this Consent Order to resolve the Notice of Intent to Deny Application for Reinstatement.

FINDINGS OF FACT

The Board finds the following facts.

1. At all times relevant hereto, the Applicant owned and operated a dental practice in Maryland called LVT Dental Center. The Applicant's practice was located at 1450 Mercantile Lane, Suite 207A, Largo, Maryland 20774 (the "Largo Location").

2. Sometime in the latter half of 2016, the Applicant moved her practice to 12164 Central Avenue, Suite 213, Mitchellville, Maryland 20721 (the "Mitchellville Location").

3. The Applicant was initially licensed on April 17, 2006, under license number 13668. On or about June 30, 2016, the Applicant's license expired because she failed to renew it.

4. Prior to the expiration of the Applicant's license, on or about June 17, 2016, the Board received a written complaint (the "Complaint") that the Applicant had failed to reimburse the complainant for fees paid for treatment that was never provided.

5. Based on the Complaint, the Board began an investigation.

6. During the investigation, the Board's investigator retrieved the Applicant's licensure files and discovered that the Applicant's license had expired on June 30, 2016.

7. However, on or about September 19, 2016, the Applicant submitted a written response to the Complaint. The response was on LVT Dental Center stationary from the

Mitchellville Location. Nowhere in the response did the Applicant indicate that she had ceased practicing when her license expired.

8. On the contrary, the Applicant used the present tense to describe LVT Dental Center's operations, writing, for example, "we as a practice are...saddened to lose the relationship" with the Complainant.

9. Therefore, it appeared that the Applicant may be continuing to practice dentistry in Maryland without a valid license.

10. In September 2016, the Board's investigator conducted an online search which revealed that the website for LVT Dental Center was still operating and advertising the Applicant's services, with no indication that the Applicant no longer was licensed to practice.

11. The Board's investigator then anonymously telephoned the Applicant's practice and requested an appointment with the Applicant. The staff member who answered ("Staff Member A") stated that the Applicant would be able to schedule an appointment on October 4, 2016 at 10:00 a.m.

12. On or about November 22, 2016, based on the indications that the Applicant was practicing without an active license, the Board issued a subpoena for the Applicant's appointment books showing what procedures were performed at each appointment. The subpoena required the Applicant to respond by December 9, 2016.

13. There was no response from the Applicant.

14. On or about January 19, 2017, the Board again issued a subpoena to the Applicant for her appointment books showing what procedures were performed at each appointment. The subpoena required the Applicant to respond by January 25, 2017.

15. There was no response from the Applicant.

16. On or about March 10, 2017, the Board's investigators conducted an unannounced visit to the Mitchellville Office. The Applicant was not present. However, Staff Member A and an associate dentist ("Dentist A") were present. Staff Member A stated that she had received at least one subpoena, which she gave to the Applicant. During the visit, the Board's investigator hand-delivered a third subpoena to the Applicant for her appointment books showing what procedures were performed at each appointment. The subpoena required the Applicant to respond immediately upon receipt.

17. On or about March 16, 2017, the Board issued a fourth subpoena to the Applicant, this time for records relating to the ownership of LVT Dental Center. The subpoena required the Applicant to respond by March 24, 2017. The Board never received a response to the March 2017 subpoena for ownership records.

18. Also on or about March 16, 2017, the Board issued a subpoena to an insurance company for records of claims submitted by the Applicant after her license expired. The records obtained in response reveal that insurance claims were submitted for dental services provided by the Applicant after her license expired.

19. On or about March 23, 2017, the Board's investigators conducted an interview with Dentist A under oath at the Board's offices. Dentist A appeared to be unaware of the Applicant's expired licensure status and provided the following pertinent information.

- a) The Applicant owns, operates, and manages the day to day affairs of the practice.
- b) The Applicant and Dentist A together provide treatment for approximately 80 patients per week.
- c) The Applicant employs Dentist A as a salaried associate with no managerial responsibilities.
- d) The Applicant currently performs general dentistry and typically treats patients at the practice every weekday.
- e) The practice uses a digital recordkeeping system, to which only the Applicant has full access. Dentist A and other staff have limited access.

20. On or about March 31, 2017, the Board issued a fifth subpoena to the Applicant, this time ordering her to appear for a sworn interview with Board investigators on April 11, 2017.

21. There was no response from the Applicant.

22. On or about April 14, 2017, a Board investigator telephoned the practice and spoke with Staff Member A. Staff Member A stated that she had conveyed all of Board's messages and subpoenas to the Applicant. Staff Member A stated she did not know why the Applicant was choosing not to respond.

23. On or about April 20, 2017, the Board issued a sixth subpoena to the Applicant ordering her to appear for a sworn interview with Board investigators on April 27, 2017.

24. On April 27, 2017, the Board's investigators conducted an interview with the Applicant under oath at the Board's offices.

25. The Applicant provided the following pertinent information:

- a) The Applicant stated that she owns and operates the practice under trade name LVT Dental Center.
- b) The Applicant is aware that her license to practice dentistry in Maryland expired on June 30, 2016, yet continues to practice dentistry and treat patients.
- c) The Applicant made various claims regarding how often she practices and when she realized that her license was expired. She claimed that she attempted to renew her license but failed to provide Continuing Education (CE) documentation requested by the Board. She also claimed a computer glitch foiled her attempts to renew.
- d) The Applicant became more attentive to her lack of licensure when insurance companies refused her claims because she was no longer licensed.
- e) The Applicant admitted that she failed to respond to the Board's subpoenas in a timely manner, and offered several different excuses including family health problems and personal turmoil, neglecting to address issues with receiving her mail, ignoring her email and phone messages, inability to find CE documentation, and the difficulty of requesting new CE documentation.
- f) The Applicant confirmed receiving Board subpoenas and failing to respond to them, although she was unsure how many she received and ignored.

26. After the interview concluded, the Board's investigator hand-delivered subpoenas for insurance claims listing the Applicant as treating dentist and records regarding CE credits completed after July 1, 2014. The subpoenas required the Applicant to respond by May 5, 2017.

27. On or about May 8, 2017, the Board received from the Applicant copies of insurance claim forms that she submitted listing the Applicant as the treating dentist. The records reveal that insurance numerous claims were submitted for dental services provided by the Applicant, months after her license expired.

28. On or about May 9, 2017, the Board received an untitled document in response to the Board's subpoena for CE-related documentation. The document appeared to list CE classes in no apparent order. The document showed the month, city, and subject of various CE classes, but failed to provide the "addresses and contact information of all institutions and entities at which you completed continuing education courses" as required by the subpoena.

29. On September 29, 2017, the Board issued to the Applicant a subpoena for advertising records.

30. On October 17, 2017, the Board received records containing various forms of advertising for the Applicant's practice, LVT Dental Center. To date, the website of LVT Dental Center continues to advertise the Applicant as the sole practicing dentist, listing her alone under the "Meet our staff" section of the website. Various patient testimonials remain on the website to advertise the Applicant's care.

31. In March of 2018, the Board received the Applicant's Reinstatement Application. In an attached statement signed the Applicant, she acknowledged that she had practiced after the expiration of her license, until at least April 2017.

32. On or about April 5, 2018, a credentialing manager working with Healthy Smiles¹ contacted the Board's investigator. The credentialing manager stated that the Applicant had been terminated from Healthy Smiles effective July 1, 2017 after it was discovered that she was no longer licensed in Maryland.

¹ The credentialing manager is employed by a private insurance benefit management company that manages dental benefits for Healthy Smiles, a State dental insurance program available to Medicaid participants.

33. The credentialing manager also provided insurance claims records from the Applicant that indicated that the Applicant continued to treat dental patients and bill for services until at least August 2, 2017.

34. According to the records, the Applicant received \$92,541.49 for insurance claims she submitted listing her as the treatment provider for treatment rendered after her license expired.

35. The Maryland State Department of Assessment and Taxation (SDAT) records indicate that the Applicant continues to own the practice, even though she is not a licensed dentist in Maryland.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes as a matter of law that the Applicant's conduct as described above constitutes violations of the Act and a basis on which to deny her Reinstatement Application. Specifically:

A. The Applicant's continued dental practice after her license expired constitutes: the unauthorized practice of dentistry, in violation of Health Occ. § 4-301(a)(1) and § 4-601; fraudulently or deceptively using a license, in violation of Health Occ. § 4-315(a)(2); and 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).

B. The Applicant's continued ownership of LVT Dental Center after her license expired constitutes: the unauthorized practice of dentistry, in violation of Health Occ. § 4-301(a)(1) and § 4-601; fraudulently or deceptively using a license, in violation of Health Occ. § 4-315(a)(2); and 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).

C. The Applicant's failure without justification to comply with the Board's subpoenas as described above 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); 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).

D. The Applicant's falsely advertising herself as a licensed dentist after her license expired constitutes: a violation of the restrictions on advertising in § 4-503 of the Act, in violation of Health Occ. § 4-315(a)(13); 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, in violation of Health Occ. § 4-315(a)(20) (specifically the COMAR provisions cited above); using or promoting or causing the use of any misleading, deceiving, or untruthful advertising matter, promotional literature, or testimonial, in violation of Health Occ. § 4-315(a)(26); and falsely representing to the public that she is authorized to practice dentistry in Maryland, in violation of Health Occ. § 4-602.

E. The Applicant's billing for dental services she rendered after her license expired constitutes: obtaining a fee by fraud or attempts to obtain a fee by fraud in violation of Health Occ. § 4-315(a)(3); and 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).

F. The Applicant's conduct as described above generally indicates that she lacks good moral character, a requirement for licensure under Health Occ. § 4-302(b).

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 Applicant is **SUSPENDED** effective July 1, 2016 (the day her license expired) and continuing until the Applicant satisfactorily completes the following requirements:

1. Within six (6) months of the effective date of this Consent Order, the Applicant shall successfully complete Board-approved in-person courses in professional ethics equivalent to six (6) credit hours which shall not be applied toward her continuing education requirements for licensure and shall submit documentation to the Board that demonstrates she has completed this requirement; and it is further
2. After the Applicant has successfully completed the above requirement, the Applicant shall submit a new Application for Licensure by Examination (the "New Application") that satisfies the requirements for licensure under the Board's regulations (i.e. COMAR 10.44.15 "Dentists and Dental Hygienists — Licensure by Examination"); and it is further

ORDERED that if the Applicant successfully completes the above requirements, the New Application shall be **GRANTED** and the Applicant's suspension shall be **TERMINATED**; and it is further

ORDERED that upon the Board's granting of the New Application, the Applicant is immediately placed on **PROBATION** for a period of **FIVE (5) YEARS**, subject to the following terms and conditions:

1. Within one (1) year of the effective date of the Board's granting of the New Application, the Applicant shall pay a monetary penalty of \$5000;
3. Within one (1) year of the effective date of the Board's granting of the New Application, the Applicant shall submit satisfactory evidence that she has paid restitution to the Maryland Medicaid Healthy Smiles Program for the claims she billed to the Program when her license was expired, or that she has entered into and is in compliance with terms that the Maryland Medicaid Healthy Smiles Program deems acceptable;
4. Within thirty (30) days of the effective date of the Board's granting of the New Application, the Applicant shall, at her own expense, enroll in the Dentist Well-Being Committee. The Applicant shall adhere to all requirements and follow all recommendations of the Dentist Well-Being Committee, including a recommendation to renew the contract. The Applicant shall sign the necessary consent forms to allow the Board to receive regular (as determined by the Well-Being Committee, but at least quarterly) reports on the Applicant's progress and compliance. Failure to adhere to the requirements or follow the recommendations of the Dentist Well-Being Committee in the sole determination of the Well-Being Committee or its designated representative shall constitute a violation of the Consent Order;
5. The Board, at its discretion, or a Board designee, may conduct records reviews and/or on-site unannounced inspections, including infection control-related inspections, of the Applicant's practice to determine the Applicant's compliance with the Consent Order and/or the Maryland Dentistry Act;
6. The Applicant shall, at all times, practice dentistry in accordance with the Act; and
7. The Applicant shall not apply for early termination of probation.

And it is further

ORDERED that after the conclusion of the **FIVE (5) YEAR** probationary period, the Applicant 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, shall grant the termination if the Applicant 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 Applicant has failed to comply with any term or condition of probation or this Consent Order, the Applicant 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 Applicant 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 Applicant has failed to comply with any term or condition of probation or this Consent Order, the Board may reprimand the Applicant, place the Applicant on probation with appropriate terms and conditions, or suspend or revoke the Applicant'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 Applicant; and it is further

ORDERED that the Applicant 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 Applicant's compliance with the terms and conditions of this Consent Order

ORDERED that the Applicant 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).

August 21, 2019
Date

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

CONSENT

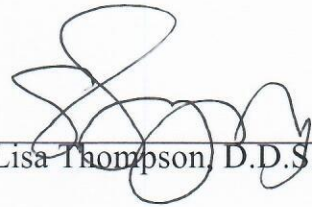
I, Lisa Thompson, D.D.S., acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

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.

8/1/2019
Date

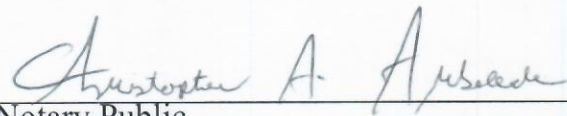

Lisa Thompson, D.D.S., *the Applicant*

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Maryland, Anne Arundel

I HEREBY CERTIFY that on this 1 day of August, 2019, before me, a Notary Public of the foregoing State and City/County personally appear Lisa Thompson, D.D.S., and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notary seal.


Notary Public

My commission expires: 4/14/2023



CHRISTOPHER A. ARBOLEDA
Notary Public
Anne Arundel County
Maryland
My Commission Expires Apr. 14, 2023