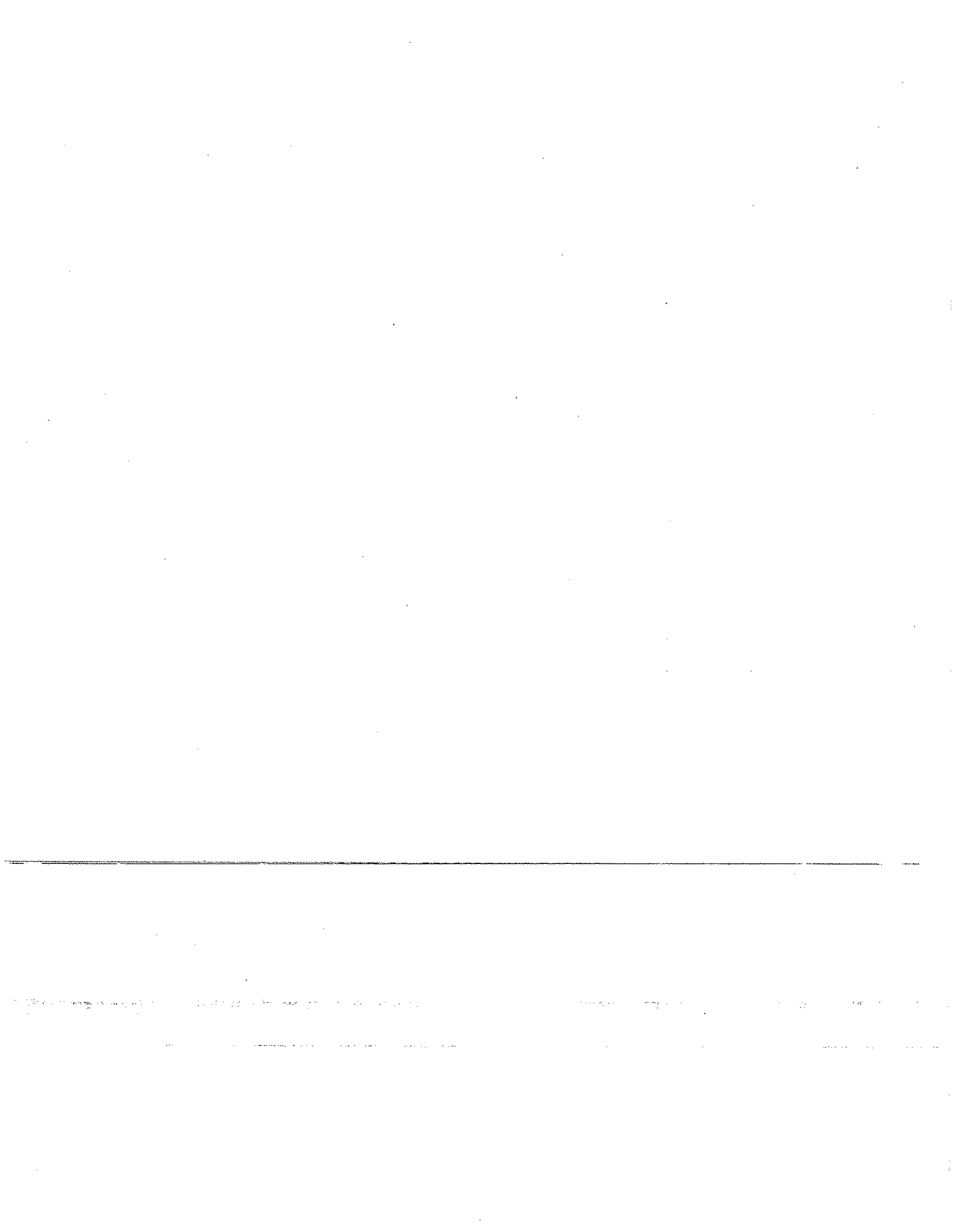


**MARYLAND STATE BOARD
OF DENTAL EXAMINERS
COMPLIANCE UNIT ANNUAL
REPORT**

FISCAL YEAR 2011

SEPTEMBER 7, 2011

FOR THE GENERAL PUBLIC



COMPLIANCE UNIT ANNUAL REPORT

FISCAL YEAR 2011

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OVERVIEW:

The Compliance Unit functions as an integral aspect of the Maryland State Board of Dental Examiners. The Board's mission is to protect the citizens of Maryland. The Compliance Unit helps fulfill this goal by providing the highest levels of effective, accurate and efficient service and by ensuring that quality dental care is provided to enhance the good health of the citizens of Maryland. Our unit oversees the disciplinary process by investigating complaints, presenting our findings to the Board, implementing the Board's recommendations, transmitting cases to the Office of the Attorney General (OAG), and monitoring case management compliance. We also quite regularly interact with both the public and practitioners in response to informational requests, work collaboratively with the Maryland Department of Health and Mental Hygiene (DHMH) and other government agencies, and work closely with Board Counsel and the Office of the Attorney General.

The following report will detail statistical data and many of the Compliance Unit's accomplishments. Although short staffed, the Compliance Unit operates cohesively as a team. We are committed to assisting one another toward achieving our ultimate goals and optimum performance. Throughout the year we readily respond to initiatives generated by outside agencies that require discrete and specific reporting formats such as: State Stat, Regulatory Services Performance Measures, The American Association of Dental Board's (AADB) Composite Report and the Clearinghouse Reconciliation Report.

STAFF:

In October, 2010, we hired a contractual, part time investigator, followed by a new Compliance Secretary in November, 2010. The contractual investigator was hired as a permanent full time employee in January, 2011, and two additional new investigators came on board the following month. After thirty one years in state employment, our long term case manager retired in February, 2011. Her position was filled in June, 2011 by the previously hired secretary. Our unit also utilizes the assistance of the Board Secretary and the Office Clerk. Presently, the two unfilled positions in the Compliance Unit are the Compliance Secretary and the Administrative Officer III.

The duties of the investigative staff (Colin Eversley, Elie Fagan and Danielle Gonelli) include: conduct office inspections, interview witnesses, complainants and respondents, prepare subpoenas, draft advisory letters, prepare reports and case transmittals, prepare cases for expert review, provide regular updates to the Dental Compliance Officer (DCO) and interface with the Office of The Attorney General. The secretary processes mail, assigns case numbers, alerts the DCO if a new complaint indicates imminent harm, drafts letters to complainants and respondents, processes complaints for review, completes statistical reports and tracks cases. The part time, contractual Administrative Support Specialist (Rita Ware) provides assistance with DRC case preparation, acknowledgment letters, subpoenas, reports and cataloguing. The Case Manager (Sharon Oliver) monitors consent agreements to ensure that respondents are in compliance with the terms and conditions of their Board Orders, arranges Pro Bono sites for respondents, prepares documents required for Notices of Intent to Deny and transmits cases to the Office of the Attorney General.

The Dental Compliance Officer coordinates and oversees the entire disciplinary process from receipt of the complaint through the investigation, transmittal, adjudication, probation and closure of the case. Each complaint is reviewed and summarized by the DCO, who reports to committees and to the full Board. The DCO also reviews tracking reports for accuracy, assigns experts and practice reviewers, receives periodic updates and status reports from Compliance staff, reviews investigative case files prior to presentation to the Board, and prior to transmittal to the OAG, conducts staff evaluations, manages the day to day operations of the unit, and maintains regular contact with Board Counsel and the Office of the Attorney General.

OPERATIONS:

License 2000 (L2K) is the computer operating system that is for the most part used by the Compliance Unit. This system tracks contact information for licensees, permits assignment of case numbers, stores proceedings and actions from Board meetings, allows a "Hold" to be placed on licenses and indicates status of cases. Crystallized reports must be generated through the computer network specialist. Since the system is not web based, information must consequently be imported into Microsoft Word in order to be printed. Although it is eleven years old and has never been updated, L2K is used daily by Compliance staff. It is anticipated that a new system will be made available during Fiscal Year 2012.

Tracking reports are primarily based in independent Microsoft Excel or Access spreadsheets. This requires frequent duplication of data entry by staff. The Subpoena Tracking Spreadsheet provides a database of the number of subpoenas sent and due dates for responses. The Compliance Tracking Spreadsheet monitors the status of all cases once a case number is assigned, through all aspects of the disciplinary process until the case is closed. Cases approved by the Board for charging are followed internally by the OAG Tracking Report and Expert Review Report.

INITIATIVES UNDERTAKEN DURING FY 2011:

The Compliance Unit operates as a true team. We have collectively undertaken motivational and uplifting interactions such as publicly recognizing the contributions of a Board staff member for her work within our unit, initiating an international pot luck lunch, starting a "wellness" weight loss focus, and establishing a goal of having lunch together at least weekly. Although there were substantial staff transitions throughout the year, several significant procedural modifications were implemented to streamline techniques, improve case file integrity and expand operational efficiency.

EFFICIENCY:

1. Case file minutes are now electronically redacted to eliminate any information unrelated to the specific case. Previously, the complete minutes from an entire page containing the referenced case and several others were included in the case file.
2. An overall investigative spreadsheet containing the updated status and assigned investigator for all current investigations was initiated and is distributed to the full Board on a quarterly basis.
3. Investigators were issued mobile telephones to facilitate anonymity and expedite efficiency when outside of the office.
4. Controlled correspondence case files are now more easily identified by an informational color indicator on the case file cover as well as in internal marker.
5. Complainant correspondence update letters were initiated.
6. Internal tracking of the AADB Board Action Report was implemented in order to be able to readily cross reference monthly nationwide reciprocal actions.
7. All complaint summaries prepared by the DCO are submitted to the Triage Committee prior to the committee meeting to expedite and streamline the proceedings.
8. DRC members receive their assigned case file packets inclusive of copies of the complaint, patient records and respondent narratives prior to Committee meetings to provide adequate time to review the numerous documents.
9. DRC members utilize the MSBDE sanctioning guidelines as a reference to assist in determining recommendations for the disposition of each case.

OUTREACH:

1. Chesapeake Conference: Compliance and MSBDE staff participated in preparing the display board, attended Access to Care Day and assisted with staffing the exhibit hall booth.

2. Requested and received Board approval to post the "We Take Precautions for You" poster on the MSBDE website.
3. Formatted a standardized attachment to closure letters to acquaint respondents with frequently observed areas in which complaints are received.
4. Presented the "Knock, Knock. We Are Here From the Dental Board" informational program to the Frederick County Dental Society and to the Western Shore Dental Hygiene Association
5. Ethics course participation at the University of Maryland Dental School.
6. Participation in the American College of Dentist's Student Day at the University of Maryland Dental School.
7. Presentation in conjunction with the Dentist Well-Being Chair and Clinical Coordinator at the University of Maryland Dental School.
8. Attended the University of Maryland Dental School Graduation.
9. Participated in the Deamonte Driver Fourth Anniversary Observance at the Department of Health and Mental Hygiene.

STAFF DEVELOPMENT:

Several training and educational opportunities were made available to various Compliance Staff during Fiscal Year 2011 including an all day Pharmacology course, a tour of the Dental School, and participation in a Dentist Well-Being Presentation. Computer instruction included DHMH Excel Intermediate and Advanced training, as well as a practical orientation to the utilization of License 2000 provided by the MSBDE Computer Network Specialist. The Investigators were offered the opportunity to tour the dental office of a Board member, and also participated in on site CDC inspections with Board Experts. Each investigator regularly attends the bi-monthly Investigator's Meetings offered through the Office of The Attorney General.

The DCO has completed Ethics Commission Conflict of Interest Training, the DHMH Corporate Compliance for Supervisors/Managers online course, and a Management Seminar. Professionally related conferences included the Chesapeake Conference and the mid-year meeting of the American Association of Dental Boards. Cognizant of the Board's budget, the DCO chose to attend additional professional trainings not financed by the Board including: the American Dental Association Annual Meeting, the Organization for Safety, Asepsis and Prevention (OSAP) Annual Symposium and the National Dental Association Annual Convention. The DCO also participates in the Investigator's Meetings and serves on their Ad Hoc Summary Suspension Subcommittee.

STATISTICAL INFORMATION:

COMPLAINT DETAILS:

During Fiscal Year 2011 there were a total of 14,627 active Maryland licensees. Of these, 246 distinct licensees were respondents with complaints, yielding a 1.68% ratio of licensees with open cases. A total of 286 complaints were received during FY 2011. Twelve additional cases were initiated from other sources such as delinquent license renewals, problematic applications and Board Initiated Complaints, making the actual total number of cases assigned numbers equal 298. Of the 286 complaint generated cases, 82 (28.6%) were closed initially, 41 cases (14.34%) were assigned to investigation and 140 (48.95 %) required subpoenas for additional information. Other cases were referred to Peer Review, sent an advertising letter or referred for prosecution.

	<u>FY 2011*</u>	<u>FY 2010</u>	<u>FY 2009</u>	<u>FY 2008</u>
New Complaints/Cases	298	330	264	295
New Investigations	41 (56)*	35	40	29
Referred to Peer Review	20 (29)*	11	14	22
Response and Records	140 (161)*	165	132	155
Referred to OAG	24	20	18	18
Referred to Case Management	11	17	16	7
Cases Closed	314	155	170	191

[*Numbers in parenthesis for these three items include overall totals from all Board Actions in FY 2011.]

Fiscal Year 2011 began with 250 open cases and ended with 220 open cases. As compared to the end of the previous year, FY 2011 ended not only with fewer cases open for fewer years, the overall number of cases open for each year was also less.

One hundred sixty of the cases closed in the year were actually FY 2011 cases. On average, it took 86 days to close these cases. In general, there is evidence of a trend toward a lessening of the amount of time required to close cases.

Upon review of the end of the year case distribution, twenty four respondents had multiple complaints open at the end of the year, accounting for seventy four, or 34% of the cases. Fourteen respondents had two open cases, three respondents had three open cases, one respondent had four open cases, four respondents had five open cases, one respondent had six open cases and one respondent also had seven open cases.

INVESTIGATIONS:

More than three hundred subpoenas were issued throughout the year. A total of ninety-eight investigative cases were assigned to the three new investigators in FY 2011. The greatest number of these cases (50) were categorized as standard of care violations. Investigations were also conducted regarding fraud, infection control violations, substance abuse, unlawful prescription writing and unprofessional conduct. A total of twenty-three of these investigations were closed, and thirteen have been transmitted to the OAG. The remainder are ongoing.

CASE MANAGEMENT:

Thirteen disciplinary actions were taken by the Board in Fiscal Year 2011 that involved either probation or supervision. One license was revoked. A total of forty-one cases were under case management during the fiscal year, inclusive of both public and non-public Board orders. The Board terminated twenty-five orders during the course of the fiscal year.

PRO BONO SERVICES:

Pro Bono services are typically non-public Board orders that are not reported to the National Practitioner Data Bank, and are unrelated to standard of care issues. Most often, individuals who fail to renew their licenses on time enter into this type of consent agreement. Five individuals entered into Pro Bono consent agreements during the fiscal year. Sixteen practitioners completed 160 hours of gratis dental care and four orthodontic cases for the benefit of the citizens of Maryland. Respondents anonymously donated \$2,400.00 to three charitable entities that provide dental treatment in Maryland: Peoples Community Health Center, Maryland Foundation for the Handicapped and Colesville Adult Dental Clinic.

WELL-BEING:

The Dentist and Dental Hygiene Well-Being Committees provide services to Maryland dentists, dental hygienists and dental assistants to assist them in dealing with personal, mental health and substance abuse difficulties. The Committees receive referrals from the Maryland State Board of Dental Examiners as well as self referrals. Although both committees operate under the auspices of their respective state professional associations, they are funded by the Board. In Fiscal Year 2011 the Board provided \$83,300.00 to the Dentist Well-Being Committee and \$21,555.000 to the Dental Hygiene Well-Being Committee.

For the fiscal year, the Dentist Well-Being Committee provided services to sixty individuals, fourteen of whom were new Board referrals. Of the overall total, twenty four of these respondents were referred by the Board. The Dental Hygiene Well-Being Committee assisted fourteen individuals, with one new Board referral, bringing their total to two Board initiated cases.

ACTIVE WELL-BEING CASES BY FISCAL YEAR

	<u>Dentist Well-Being</u>	<u>Dental Hygiene Well-Being</u>	<u>Total</u>
FY 11	60	14	74
FY 10	54	6	60
FY 09	41	6	47
FY 08	44	4	48
FY 07	43	10	53
FY 06	42	1	43

SUMMARY:

Fiscal Year 2011 provided numerous opportunities for growth as well as streamlining of procedures within the Dental Compliance Unit. We undertake our responsibilities cooperatively and conscientiously, and we are committed to providing accurate documentation, efficient handling of the complaint process and courteous interaction with the public. Our mission is to protect the public, and our everyday efforts are directed toward that end.

I extend my gratitude to each member of the Compliance Unit. I am also most appreciative of the leadership of the Board, the Executive Director and Board Counsel, and our very positive working relationship with all MSBDE staff members. In Fiscal Year 2012 I look forward to implementation of new initiatives such as an updated complaint form, Compliance Unit informational slide presentation, team building enhancements and refined tracking systems.

Respectfully submitted,

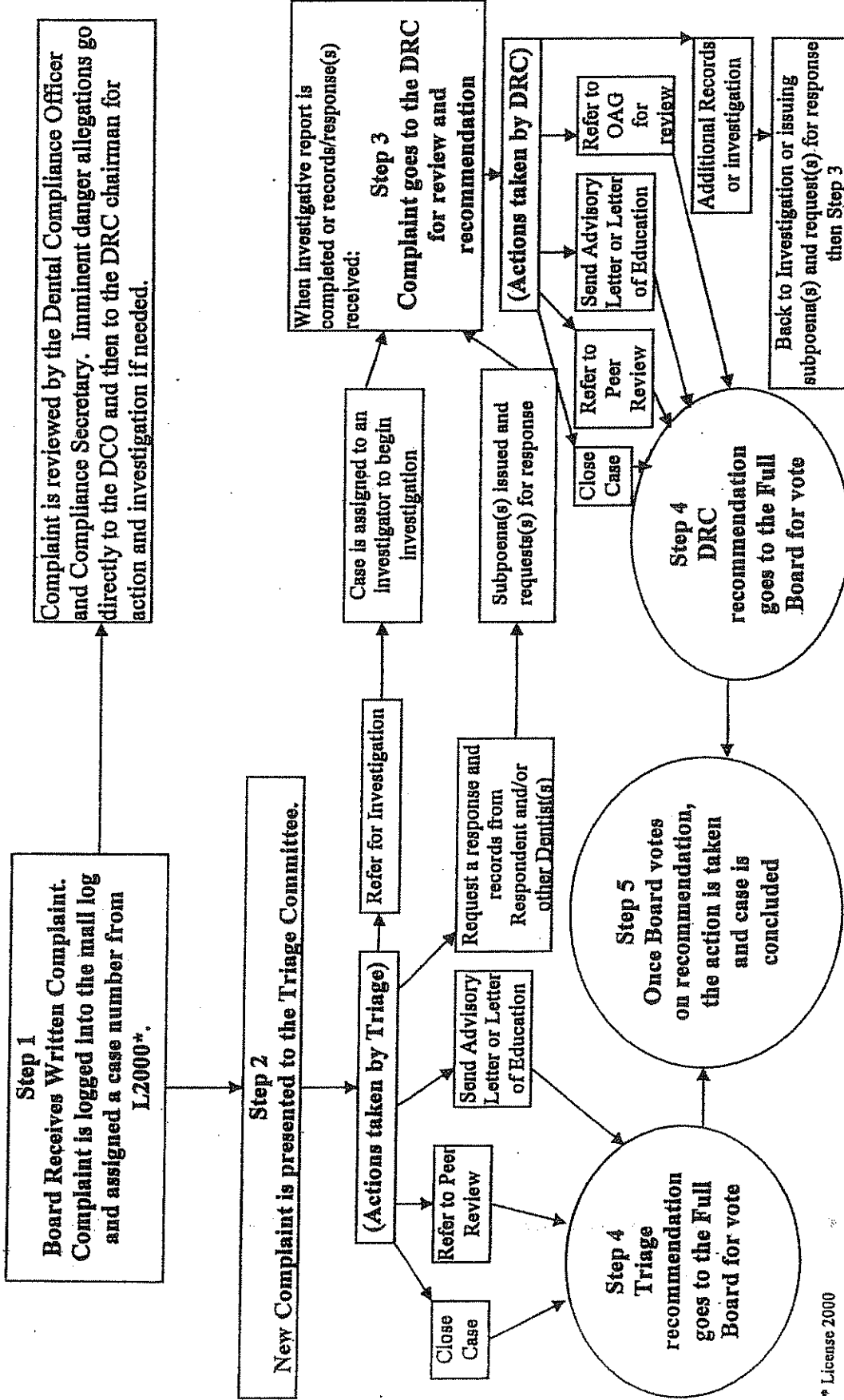


Leslie E. Grant, D.D.S.
Dental Compliance Officer
September 7, 2011

Attachments:

1. Complaint Process
2. Complaint Categories
3. Triage Report FY 2011
4. Pro Bono Services
5. Standardized Closure Letter Attachment

Maryland State Board of Dental Examiners General Written Complaint Process



* License 2000

DISCIPLINE REVIEW COMMITTEE
DESIGNATION OF COMPLAINT CATEGORY(IES)

DRC Date: _____

Licensee Name: _____

Case #: _____

Category 1: Advertising

Category 2: Alcohol/Drug Abuse

Category 3: Infection Control Guidelines

Category 4: Criminal Conviction

Category 5: Dental Practice Violation

- Sub-categories:
- Abandonment
 - Destruction of Patient Files
 - Failure to Release Records
 - Practicing While Suspended
 - Practicing Without a License
 - Unauthorized Practice

Category 6 Disciplinary Action in another State

Category 7: Failure to Renew License

Category 8: Fee Dispute

Category 9: Fraud

- Sub-categories:
- Billing for Services Not Rendered
 - Insurance Fraud

Category 10: Unlawful Prescription Writing

Category 11: Unprofessional Conduct

- Sub-categories:
- Lack of Informed Consent
 - Refusal to Treat
 - Rude Behavior
 - Sexual Misconduct

Category 12: Violation of Consent Order

Category 13: Violation of Probation

Category 14: Violation of Standard of Care

- Sub-categories:
- Incompetence
 - Medical Malpractice
 - Poor Restorative Treatment
 - Poor Root Canal Treatment
 - Questionable treatment plan/misdiagnosis/failure to diagnose
 - Poor Recordkeeping/Documentation
 - Unnecessary Treatment

Category 15: Miscellaneous, Not a Violation

Maryland State Board of Dental Examiners Triage Report Fiscal Year 2011

	Total New Complaints	Closed Initially	Response & Records	Referred for Investigation	Peer Review	Closed w/ Letter	Other
Jul-10	18	3	10	3	2	0	0
Aug-10	24	8	9	6	1	0	0
Sep-10	21	7	11	1	2	0	1
Oct-10	25	11	7	5	2	0	0
Nov-10	16	5	9	2	2	0	0
Dec-10	32	12	11	7	1	0	1
***Jan-11	0	0	0	0	0	0	0
Feb-11	37	11	20	3	3	0	0
Mar-11	20	7	6	5	3	0	0
Apr-11	19	6	8	3	2	0	0
May-11	28	6	16	3	3	0	0
Jun-11	45	8	33	4	0	0	0
Total	285	84	140	42	21	0	2

*** No committee meetings held due to other Board commitments.

Maryland State Board of Dental Examiners

Pro Bono Service Hours and Anonymous Donations

Pro Bono Service Hours Completed In Fiscal Years 2011

Total Service Hours Completed in FY 2011	60	40	40	20	160

A TOTAL OF NINE (9) PRO BONO ORTHODONTIC CASES WERE COMPLETED IN FISCAL YEAR 2011.

Anonymous Donations Completed Fiscal Year 2011

Number of Donors	1	4	3	8	
Total Donated	\$100	\$1,400	\$900	\$2,400	

STANDARDIZED ATTACHMENT TO CLOSURE LETTER

The Board has closed the complaint against you regarding your practice of dentistry. The Board is providing you with this attachment to your closure letter to educate you on some areas of the law that dentists frequently receive complaints about, and are sanctioned for. The items listed below may apply to the complaint which was filed against you. Please familiarize yourself with the following in order to make an effort to avoid having another complaint filed against you.

Maintaining professional discourse in all circumstances
Notify patients of office transitions such as relocation, office closure, transitions of partners and associates, etc., in a timely manner
Recordkeeping and lack of documentation of treatment
Failure to follow CDC guidelines
Failure to release records to patients and subsequent dentists
Improperly charging for duplication of patient records
Improperly performed endodontic treatment
Lack of proper informed consent
Inadequately explained treatment plan and discussion of change in fees
Unauthorized practice
Failure to refer patient appropriately
Failure to render treatment in a timely fashion

If you would like more information on any of these topics, feel free to contact the Board or visit our website at www.dhmh.md.gov/dental for additional information.

