

IN THE MATTER OF
JOHN I. TIFFORD, D.D.S.

Respondent

License Number: 4853

* BEFORE THE MARYLAND
* STATE BOARD OF
* DENTAL EXAMINERS
* Case Number: 2013-115

* * * * *

SUPPLEMENTAL ORDER

PROCEDURAL BACKGROUND

On or about June 11, 2014, the Maryland State Board of Dental Examiners (the "Board") notified **JOHN I. TIFFORD, D.D.S.** (the "Respondent"), License Number 4853, of the summary suspension of his license to practice dentistry pursuant to its authority under Md. Code Ann., State Gov't § 10-226(c) (2009), concluding that the public health, safety and welfare imperatively require emergency action. The Respondent was also notified that he was being charged with violating the Consent Order, dated December 9, 2013, pursuant to the Maryland Dentistry Act (the "Act"), Md. Code Ann., Health Occ. ("H.O."), §§ 4-101 *et seq.* (2009 Repl. Vol.). Specifically, the Board charged the Respondent with violating the following probationary condition of the Consent Order:

- (3) A finding of non-compliance with CDC Guidelines by the inspector may constitute a violation of probation and this Consent Order, and may, in the Board's discretion, be grounds for immediate suspension of the Respondent's license and further disciplinary actions under the Act.

The Board also charged the Respondent with violating the following general condition of the Consent Order:

ORDERED that the Respondent shall practice in accordance with the Maryland Dentistry Act and all applicable laws, statutes and regulations pertaining to the practice of dentistry;

Specifically, the Board alleged that the Respondent violated the following provision of the Act:

H.O. §4-315

(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:

(28) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control's guidelines on universal precautions[.]

These charges were based on the findings of a Board-approved Centers for Disease Control ("CDC") inspector (the "Inspector") during an unannounced CDC inspection of the Respondent's dental office on April 24, 2014. This unannounced inspection was conducted in accordance with the terms of the December 13, 2013 Consent Order that had been agreed to and signed by the Respondent. Specifically, the Inspector reported the following CDC violations during her April 24, 2014 inspection of the Respondent's dental office:

- a. Failing to wear his mask appropriately, by not covering his nose;
- b. Failing to provide protective eyewear to his patients while using high-speed instruments and bleach during an endodontic procedure;
- c. Failing to use protective eyewear during laser procedures;
- d. Passing a contaminated, unsheathed syringe to his assistant following administration of two injections to a patient;
- e. During patient care, wearing a contaminated PPE to an adjacent room and making contact with multiple surfaces;
- f. Allowing his assistant to wear an over-glove on one hand only, instead of on both hands, during patient care;
- g. Leaving non-disinfected laboratory cases in the open; and
- h. Having two unlabeled chemical bottles in two operatories.

A hearing regarding both the summary suspension of the Respondent's license and the charges of violation of the Consent Order was held on June 18, 2014 before a quorum of the Board. The Respondent was present at the hearing and represented himself. Also present were the administrative prosecutors, Mr. Christopher Anderson, and Mr. Robert Gilbert.. The Board issues this Supplemental Order based upon its consideration of the entire record, including all arguments and evidence presented by both parties, and is issued in accordance with the Board's sanctioning guidelines, Md. Code Regs., §10.44.31.06. For the reasons set forth below, the Board adopts this Final Decision and Supplemental Order.

SUMMARY OF ARGUMENTS

The Respondent represented himself throughout the hearing. In response to the CDC violations reported by the Inspector from the April 24, 2014 unannounced inspection, the Respondent did not dispute that the allegations in the charging document were true. As mitigation, the Respondent argued that the CDC violations that he was initially charged with in the July 3, 2013 charging document were more numerous and were not found in the April 24, 2014 CDC inspection. The Respondent further argued that the violations noted in the April 24, 2014 CDC inspection have since been corrected. The Respondent stated that he and his staff have learned a considerable amount from the Inspector about CDC compliance that he was previously unaware of and that they are willing to continue learning. In response to the allegation that he handed an unsheathed contaminated syringe to his dental assistant, the Respondent acknowledged that this did occur but that he was unaware that this was a violation before the Inspector informed him so. When asked for further details regarding

this incident, the Respondent stated that he never passed the syringe over the face or head of the patient. When asked about possible danger to his assistant, the Respondent admitted that his assistant typically places the sheath on the contaminated syringe after he hands it to her. Regarding the allegation of the unlabeled chemicals, the Respondent stated that the chemicals had been labeled at one point, but that the writing had worn off over time and have since been replaced with a plastic label. In closing his argument, the Respondent stated that he wishes to continue practicing dentistry and reiterated that while the violations noted by the CDC inspector were truthful, he considered them to be minor violations.

The administrative prosecutor, Mr. Christopher Anderson, AAG, argued on behalf of the State. Mr. Anderson provided the general background of the case against the Respondent, from his charges on or about July 3, 2013 to the current summary suspension. Mr. Anderson stated that despite the Board providing several opportunities for the Respondent to bring his practice into compliance with CDC guidelines and the Dental Practice Act, the Respondent has failed to do so as evidenced by the multiple violations noted during the April 24, 2014 CDC inspection. Mr. Anderson further pointed to the fact that the reported CDC violations, which the Respondent has conceded to, were committed when the Respondent was fully aware of the Inspector's presence and purpose. Mr. Anderson stated that while the Respondent expressed a desire to continue learning, his failure to comply with CDC violations despite extensive training and education on the matter indicates that he is not likely to improve further. Mr. Anderson cautioned the Board on allowing the Respondent to return to practicing dentistry due to the seriousness of the CDC violations and the Respondent's past irrational behavior.

Based on these concerns, Mr. Anderson recommended on behalf of the State that the Respondent's license to practice dentistry be revoked.

FINDINGS OF FACT

Based on all of the relevant evidence and the arguments presented at the June 18, 2014 hearing, the Board finds the following facts to be true:

1. At all times relevant hereto, the Respondent was and is licensed to practice dentistry in the State of Maryland. The Respondent was originally licensed to practice dentistry in Maryland on July 14, 1970, under License Number 4853.

2. At all times relevant hereto, the Respondent maintained a dental office at 3601 Leonardtown Road, Waldorf, Maryland 20604.

3. On or about July 3, 2013, the Board charged the Respondent under the Maryland Dentistry Act, H.O., §§ 4-101 *et seq.*, for practicing dentistry in a professionally incompetent manner or in a grossly incompetent manner, in violation of §4-315(a)(6); behaving dishonorably or unprofessionally, or violating a professional code of ethics pertaining to the dentistry profession, in violation of § 4-315(a)(16); and failing to comply with the Centers for Disease Control's guidelines on universal precautions, in violation of § 4-315(a)(28).

4. The Respondent resolved the Board's charges by entering into a public Consent Order, dated December 9, 2013, in which the Board made factual and legal findings that the Respondent violated the provisions of the Act for which he was charged. Under the terms of the Consent Order, the Respondent's license to practice dentistry was suspended for a minimum of seven (7) days and until he passed a CDC inspection of his practice by a Board-approved inspector.

5. A few days after the effective date of the Consent Order, on or about December 12, 2013, the Respondent made a series of hostile telephone calls to Board staff regarding the terms and conditions of the Consent Order. In a telephone call to a Board investigator, the Respondent stated that he was in a "life or death situation" and threatened that "If I die, then others will die too." Based on those threats, the Board summarily suspended the Respondent's license to practice dentistry in Maryland by order dated December 30, 2013.

6. Following a post-deprivation show cause hearing before a quorum of the Board on January 15, 2014, the Board, by Order dated January 23, 2014, continued the suspension of the Respondent's license for a minimum of seven (7) days and until he passed a CDC inspection of his practice by a Board-approved inspector.

7. On or about March 12, 2014, a Board-approved inspector (the "Inspector") conducted a CDC inspection of the Respondent's practice. Because the Respondent's license was suspended at that time, the inspection did not include observation of actual patient care by the Respondent. Based on the Inspector's inspection report, the Board, by order dated March 19, 2014 and consistent with the terms of the Consent Order, lifted the suspension of the Respondent's license and placed him on probation for a minimum of one (1) year, during which his practice was subject to three (3) unannounced CDC inspections and he was ordered to complete a six(6)-hour Board-approved CDC course.

8. Pursuant to the Respondent's probationary terms and conditions under the Consent Order, the Inspector conducted an unannounced CDC inspection of his

practice on or about April 24, 2014. During this inspection, the Inspector was able to observe the Respondent and his assistant providing dental care to patients.

9. In a report, dated April 25, 2014, the Inspector found that the Respondent violated CDC guidelines for the reasons set forth below.

Personal Protective Equipment (“PPE”)

10. The Respondent failed to comply with CDC guidelines pertaining to PPE for reasons including:

- a. Failing to wear his mask appropriately, by not covering his nose;
- b. Failing to provide protective eyewear to his patients while using high-speed instruments and bleach during an endodontic procedure; and
- c. Failing to use protective eyewear during laser procedures.

Needle Recapping

11. The Respondent failed to comply with CDC guidelines pertaining to safe sharp management by passing a contaminated, unsheathed syringe to his assistant following administration of two injections to a patient.

Cross-Contamination

12. The Respondent failed to comply with CDC guidelines pertaining to cross-examination for reasons including:

- a. During patient care, wearing contaminated PPE to an adjacent room and making contact with multiple surfaces; and
- b. Allowing his assistant to wear an over-glove on one hand only, instead of on both hands, during patient care.

Disinfection/Laboratory

13. The Respondent failed to comply with CDC guidelines pertaining to laboratory disinfection by leaving non-disinfected laboratory cases in the open.

Chemical Safety

14. The Respondent failed to comply with CDC guidelines pertaining to chemical safety by having two unlabeled chemical bottles in two operatories.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent's non-compliance with CDC guidelines in the practice of dentistry constitutes a violation of Condition (3) of his probationary terms and the general condition under the Consent Order that he shall practice in accordance with the Maryland Dentistry Act and all applicable laws, statutes and regulations pertaining to the practice of dentistry. Under the Board's sanctioning guidelines, Md. Code Regs., §10.44.31.06., Dr. Tifford's actions are both a violation of the Board's order with a serious risk to patient safety and a failure to follow CDC guidelines. As this was a serious violation of a consent order with risk to patient safety, the Board felt the maximum sanction under the act was appropriate. The Board found that the Respondent's inability to comply with CDC guidelines, despite being provided ample training and education, indicates that he is unlikely to achieve and consistently maintain a safe practice that is suitable for patient care. Further, while the Board appreciates the Respondent's honesty regarding the violations and his desire to continue learning and correcting the issues reported, his own description of the violations as "minor" illustrates a lack of understanding as to their seriousness. Specifically, when questioned about handing an unsheathed contaminated needle to his dental assistant, the Respondent's response that the needle was not passed over the patient showed a lack of understanding as to the danger such an action can pose to his patients, his staff, and

himself. Further, considering that the Respondent has had several opportunities to obtain compliance with CDC guidelines and the Maryland Dentistry Act, the Board is concerned that the Respondent's return to the practice of dentistry would pose a risk to the public health and safety.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, on this 16th day of July, 2014, by a majority of the Board, it is hereby:

ORDERED that the Respondent's license to practice dentistry, under License Number 4853, is hereby **REVOKED**; and it is further

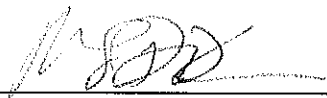
ORDERED that the summary suspension of the Respondent's license to practice dentistry is hereby **VACATED**; and it is further

ORDERED that the Board will not be eligible for reinstatement from the Respondent for **THREE (3) YEARS**; and it is further

ORDERED that for purposes of public disclosure, and as permitted by Md. Code Ann., State Gov't, §10-617(h), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED this is a final order of the Board and is thereby a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't, §§10-601 *et seq.*

07/16/2014
Date


Maurice S. Miles, D.D.S., President
Maryland Board of Dental Examiners