

IN THE MATTER OF * BEFORE THE
HEIDI GROSHANS, D.R.T. * STATE BOARD OF
APPLICANT * DENTAL EXAMINERS
* CASE NO. 2009-005

* * * * *

**FINAL ORDER OF INITIAL DENIAL OF
DENTAL RADIATION TECHNICIAN CERTIFICATION**

On or about March 20, 2009, Heidi Groshans (Applicant) applied to the State Board of Dental Examiners (the Board) for Licensure to practice Dental Radiation Technician. The Board of Dental Examiners notified the Applicant of the Board's Initial Denial of her application for Licensure under the Dental Radiology Technician (the Act). In applying for certification as a Dental Radiation Technician (DRT), responded "yes" to a question on the application regarding whether she had pled guilty, nolo contendere, had a conviction or receipt of probation before judgment or other diversionary disposition of any criminal acts, excluding minor traffic violations?

Accordingly, on July 2, 2008, the Board, by a majority of its fully authorized membership, voted to initially deny the Applicant's application for a DRT certificate.

On May 6, 2009, the Applicant was advised of the Notice of Intent and informed that she had 30 days to file a written request for a hearing. The Applicant failed to do so. Accordingly, the Board issues this Final Order.

The Board, pursuant to the Maryland Dental Practice Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §4-101 (2005 Repl. Vol.), *et seq.*, hereby issues t his Final Order

denying the Applicant's application for certification for violation of the following provisions of the Act.

§4-505.

(a) The Board of Dental Examiners shall:

- (1) Define, for the purpose of this section, the terms "dental radiation technologist" and "practice dental radiation technology";
- (2) Adopt rules and regulations concerning qualifications, training, certification, monitoring of, and enforcement requirements for a dental radiation technologist; and
- (3) Provide for a requirement to ensure competency in new safety and technological advances.

(b) The qualifications required of applicants for Board certification as a dental radiation technologist shall include requirements established by:

- (1) The American Dental Association; or
- (2) Any applicable federal standards for training and certification.

Accordingly, the Board adopted the following regulations regarding Dental Radiation Technicians, Code Md. Regs. Tit.10, § 44. 19. (April, 12, 2004, and thereafter)

.3 Qualifications.

A. Except as otherwise provided in these regulations, to qualify to be certified as a dental radiation technologist, an applicant shall be an individual who:

- (2) Is of good moral character;

§ .11 Penalties for Violations of These Regulations.

A. Subject to the hearing provisions of this chapter, the Board may deny a certificate to practice dental radiation technology, reprimand any certified dental radiation technologist, place any certified dental radiation technologist on probation, or suspend or revoke the certificate of any certified dental radiation technologist, if the holder of the certificate:

- (5) Is disciplined by a disciplinary authority of any other state or jurisdiction or is convicted or disciplined by a court in any other state or jurisdiction for an act that would be grounds for disciplinary action under this regulation;

(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[;].

FINDINGS OF FACT

The Board bases its decision to deny the certificate for the foregoing reasons which the Board has reason to believe are true:

1. By application dated 3/13/08, the Board received an application for ratification as a Dental Radiation Technician (DRT) from the Applicant.

2. On the application, the Applicant answered "yes" to Question "f" under the "Character and Fitness" Section (III), which asked: "Have you pled guilty, nolo contendere, had a conviction or receipt of probation before judgment or other diversionary disposition of any criminal act, excluding minor traffic violations?"

3. By letter dated March 24, 2008, the Board requested that the Applicant submit a complete explanation for the "yes" answer. By document received by the Board on April 14, 2008, the Applicant responded as follows:

- A. 10/5/05: Nolle Prosequi: Theft: less
\$500
Forgery Priv Documents Theft-scheme
\$500 plus Fraud-per ident. Info theft
- B. 10/21/05: guilty
Prostitution
- C. 12/22/05: Nolle Prosequi
Theft

4. Based upon the above information, the Board, on April 22, 2008, requested from the Baltimore District Court Certified True Test copies of any documents in reference to

the Applicant's criminal cases.

5. Accordingly, by documents dated June 6, 2008, the Board received detailed reports regarding the Applicant's criminal procedures, as follows:

A. With regard to the matter involving general prostitution:

(1) On a statement of Probable Cause dated October 21, 2005, an undercover police officer in vice enforcement and in an unmarked police vehicle indicated that the Applicant agreed to perform fellatio on him for money;

(2) The Respondent was arrested and charged with prostitution-general, and, on October 28, 2005, pled "not guilty" and was found "guilty" by the Judge, who sentenced her to 30 days in jail and suspended the criminal fine.

B. With regard to the theft:

(1) On December 22, 2005, the Applicant was charged with stealing various groceries from Santoni's grocery store, totaling \$32.02;

(2) On January 20, 2006, the applicant entered an "other plea" and the case was nolle prossed;

C. By charges filed on or about December 31, 2005, the Applicant was accused of the following:

(1) On or about October 5, 2005, the Applicant is alleged to have stolen a personal check from an individual and falsely forged the check-owner's signature on it, withdrawing \$180 from said account;

(2) Between 10/5/05 and 10/17/05, stole \$3,327.14 from that same individual;

(3) The Applicant also stole personal identifying information from that same individual for the purpose of using/transferring that information to obtain any benefit, credit, goods, service or other item of value in that individual's name.

(4) On 2/6/06, at the District Court for Baltimore city, the Applicant entered an "other plea" and the case was dismissed at the request of the victim.

7. As set forth above, the Applicant is in violation of the Act and regulations thereunder.

8. As set forth above, the Applicant lacks the moral character to be issued a RDT certificate.

ORDER


Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 15th day of July, 2009, hereby ORDERED that the application for certification as a Dental Radiologist Technician of Heidi Groshans, is hereby DENIED.

It is further ORDERED that this Final Order shall be a public document, pursuant to Md. State Govt. Code Ann. § 10-617(h) (2004 Repl. Vol.).

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. §4-319(b) (2005 Repl. Vol.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, et seq., (2004 Repl. Vol.) you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the forecited authority.

7/1/09
Date


Jane S. Casper, R.D.H., President
Board of Dental Examiners