

IN THE MATTER OF	*	BEFORE THE MARYLAND
DANILO C. BANADOS, D. R.T.	*	STATE BOARD OF
Respondent	*	DENTAL EXAMINERS
Certificate Number: 13257	*	Case Number: 2009-254
* * * * *	*	* * * * *

FINAL DECISION AND ORDER OF REVOCATION

I. BACKGROUND

Based upon certain information having come to the attention of the Maryland Board of Dental Examiners (the "Board") regarding the practice of Danilo C. Banados, Dental Radiation Technologist ("D.R.T.") (the "Respondent"), Certificate Number 13257. The Board directed that an investigation of the Mr. Banados' practice be conducted. On August 5, 2009, the Board issued an Order for Summary Suspension against the Respondent's D.R.T. certification, pursuant to Md. State Gov't Code Ann. § 10-226(c), finding that the public health, safety and welfare imperatively required emergency action.

The Board's order of summary suspension remains in effect. By hand-delivered letter, the Board notified the Respondent that an evidentiary hearing was scheduled for February 3, 2010 before the Board. On February 3, 2010, an evidentiary hearing was held before the Board. A quorum of the Board was present. Robert J. Gilbert, Administrative Prosecutor, presented the State's case against the Respondent. Despite the notice sent by the Board, the Respondent failed to appear and the Board proceeded with the hearing as permitted Maryland Code Ann., Health Occ. § 4-318(g).

Evidentiary Exhibits and Witnesses

State's Exhibits

1. Police reports
2. Indictment
3. Patient records of victim
4. Correspondence from DANB and related News Article
5. Subpoena Ad Testificandum to Dr. Suketu Patel;
Transcribed Interview, dated September 22, 2009;
 - a. Exhibit #1: Photo of operatories
 - b. Exhibit #2: Photo of doorway into operatory #10
 - c. Exhibit #3: Photo of office across the hall from operatory #10;
 - d. Exhibit #4: Photo of operatory #10 looking into the hallway;
 - e. Exhibit #5: Photo of operatory #9;
6. Order for Summary Suspension
7. Transcript of guilty plea and sentencing hearing
8. Amended Charges
9. Court documents

II. FINDINGS OF FACT

Based on the record, the Board finds that:

1. At all times relevant to these charges, the Respondent was and is certified to practice as a D.R.T. in the State of Maryland. The Respondent initially received his certification to practice dental radiation technology in Maryland on or about March 26, 2006, under Certificate Number 13257.

2. At all times relevant to these charges, the Respondent was employed as a dental assistant/D.R.T. at Bright Now Dental, Inc. ("Bright Now Dental"), located at 5726 Buckeystown Pike, Frederick, Maryland 21701.
3. On or about June 22, 2009, the Office of the State's Attorney for Frederick County, Maryland, notified the Board that on or about June 12, 2009, the Grand Jury of Frederick County, Maryland, issued a four count Indictment against the Respondent, alleging that he committed various sexual offenses against an adult female (hereinafter, "Patient A"),¹ occurring on or about April 22, 2009.
4. The Board was advised that the Respondent allegedly committed these sexual offenses against Patient A at Bright Now Dental, after she underwent extraction of wisdom teeth there on April 22, 2009.
5. Count one (1) of the Indictment alleges that the Respondent committed a sexual offense in the third degree, in violation of Md. Criminal Law Code Ann. § 3-307(a)(2), by unlawfully touching Patient A's breast. Count two (2) of the Indictment alleges that the Respondent committed a sexual offense in the third degree, in violation of Md. Criminal Law Code Ann. § 3-307(a)(2), by unlawfully touching Patient A's vagina. Count three (3) of the Indictment alleges that the Respondent committed a sexual offense in the third degree, in violation of Md. Criminal Law Code Ann. § 3-307(a)(2), by unlawfully placing Patient A's hand on his penis. Count four (4) of the Indictment alleges that the Respondent committed an assault in

¹ For confidentiality purposes, patient names will not be used in this charging document. The Respondent may obtain the identity of any individuals referenced in these charges by contacting the assigned administrative prosecutor.

the second degree, in violation of Md. Criminal Law Code Ann. § 3-203, by placing his tongue in Patient A's mouth.

6. After receiving this information, the Board conducted an investigation of this matter. The Board's investigative findings are set forth *infra*.

BOARD INVESTIGATIVE ALLEGATIONS

7. Patient A, a woman then in her early 20's, presented to Bright Now Dental on the morning of April 22, 2009, for removal of her wisdom teeth. The Respondent was acting as a dental assistant/D.R.T. at Bright Now Dental that day. Prior to undergoing the procedure, Patient A had a conversation with the Respondent.
8. Patient A was then prepared for surgery, after which Patient A's dentist administered her intravenous sedation and surgically extracted her four wisdom teeth.
9. After the conclusion of the procedure, the operating dentist left the operatory. Patient A was coming out of anesthesia at or around this time. The Respondent came into the operatory and began sexually assaulting Patient A. Among other acts, the Respondent, without Patient A's consent or permission, reached under her shirt and began fondling her breast. The Respondent, without Patient A's consent or permission, reached under her pants and touched and/or fondled her vagina. The Respondent, without Patient A's consent or permission, took her hand and placed and/or rubbed it against his pants leg, for purposes of touching his penis. The Respondent, without Patient A's consent or permission, kissed her on the lips and/or placed his tongue in her mouth multiple times. During the commission of these acts, the Respondent stated to Patient A, "I love you and I want to have sex."

10. After committing these acts, the Respondent removed Patient A from the dental chair and escorted her into another room and sat her down into a chair. Sometime thereafter, Patient A's family member arrived and escorted her out of the dental office. Patient A then called her spouse and reported that the Respondent had sexually assaulted her. Patient A then made a report to the Maryland State Police on April 22, 2009, in which she reported that the Respondent sexually assaulted her.
11. Maryland State Police then initiated an investigation of these allegations. On May 12, 2009, the Respondent was interviewed by representatives of the Maryland State Police and admitted that on April 22, 2009, he reached into Patient A's shirt and touched and/or fondled her breast; touched her vagina; and placed her hand on his penis.
12. On May 12, 2009, during the course of his interview with the Maryland State Police, the Respondent wrote and signed a letter to Patient A in which he apologized for his "misbehavior" during her office visit. Among other things, the Respondent stated that he was a "stupid man that did something ... [he] ...thought ... [he] ... could get away with ... [and that Patient A was] ... a pretty young lady that just made me do the wrong choice." The Respondent apologized for his "wrong doing" and the "trouble that ... [he] ...caused ... [Patient A and her] ... husband."
13. On or about June 12, 2009, the Respondent was indicted on sexual assault charges (see paragraphs 3 and 5 above), and a trial date on those charges was scheduled for November 3, 2009 in the Circuit Court of Maryland for Frederick County.
14. During its investigation, the Maryland State Police investigation determined that beginning on or about June 15, 2009, the Respondent approached one or more persons and attempted to

solicit them to intimidate Patient A, in order to discourage her from pursuing the allegations against him.

15. The Respondent was subsequently charged with witness intimidation, in violation of Md. Criminal Law Code Ann. § 9-305.
16. Maryland State Police investigation also determined that on February 13, 2009, Bright Now Dental took disciplinary action against the Respondent after three separate female staff persons at Bright Now Dental made three separate sexual harassment complaints about him. These staff members alleged, among other things, that the Respondent, without their consent or permission, perpetrated one or more of the following acts against them: grabbing their breasts; rubbing his genital area against their buttocks; and massaging their shoulders and/or lower backs. Bright Now Dental issued the Respondent a written Disciplinary Warning and imposed corrective action against him in response to these allegations. Bright Now Dental advised the Respondent that the Disciplinary Warning constituted its final written warning to him regarding harassment, and that further similar allegations could result in immediate termination.
17. On or about October 14, 2009, the Respondent appeared in the Circuit Court for Frederick County, Maryland, with respect to the above charges. Pursuant to plea negotiations, the Respondent pleaded guilty to two counts of sexual offense in the third degree (Counts One and Two of the above Indictment), in violation of Md. Criminal Law Code Ann. § 3-307.
18. According to an agreed statement of facts that was submitted into the record in support of the guilty pleas, Patient A presented to Bright Now Dental on April 22, 2009, for dental surgery, at which time she was administered anesthesia. The Respondent admitted that as Patient A

was coming out of anesthesia, he committed two sexual offenses in the third degree, in violation of Maryland law, against her. The Respondent admitted that he unlawfully and without Patient A's permission: touched her breast underneath her clothing; placed his tongue in her mouth; fondled her vagina and penetrated it with his finger; and placed her hand on his pants at the area of his penis.

19. With respect to the first count of sexual offense in the third degree, the court imposed a ten year period of incarceration, with all but five years suspended. With respect to the second count of sexual offense in the third degree, the court imposed a consecutive ten year period of incarceration, which it suspended in its entirety. In total the Respondent was sentenced to a twenty year period of incarceration, fifteen years of which were suspended, leaving a period of incarceration totaling five years. The court ordered that after the Respondent completed serving his five year period of incarceration, he would be placed on supervised probation for five years, subject to conditions including registering as a sexual offender.

III. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated Md. Code Ann., Health Occ. § 4-505(a) (2). The Respondent's actions, as described above, constitute, in whole or in part, a violation of one or more of the following provisions of COMAR 10.44.19:11: 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 (a violation of COMAR 10.44.19.11A(7)); Engages in sexual misconduct as set forth in COMAR 10.44.23 (a violation of COMAR 10.44.19.11A(14)); and/or Behaves dishonorably or unprofessionally (a violation of COMAR 10.44.19.11A(15)).

IV. ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the Respondent's license to practice as a D.R.T. is hereby **REVOKED**;
and it is further

ORDERED that the license of the Respondent to practice as a D.R.T. in the State of Maryland is hereby **REVOKED**.²

4/21/10
Date



Jane Casper, President
Maryland Board of Dental Examiners

² Upon execution of this revocation order, the Respondent's summary suspension is vacated as moot.

NOTICE OF RIGHT TO APPEAL

Any person aggrieved by a final decision of the Board under Md. Health Occ. Code Ann. § 4- 319(a) may take a direct judicial appeal within thirty (30) days as provided by Md. Health Occ. Code Ann. § 4- 319(b), Md. State Gov't Code Ann. § 10-222 and Title 7, Chapter 200 of the Maryland Rules, including Md. Rule 7-203 ("Time for Filing Action").

IN THE MATTER OF
DANILO C. BANADOS, D.R.T.
RESPONDENT

Certificate Number: 13257

* BEFORE THE
* STATE BOARD OF
* DENTAL EXAMINERS
* Case Number: 2009-254

* * * * *

**ORDER FOR SUMMARY SUSPENSION
OF CERTIFICATION TO PRACTICE DENTAL RADIATION TECHNOLOGY**

The State Board of Dental Examiners (the "Board") hereby **SUMMARILY SUSPENDS** the certification to practice dental radiation technology in Maryland issued to Danilo C. Banados, Dental Radiation Technologist ("D.R.T.") (the "Respondent"), Certificate Number 13257, under the Maryland Dental Practice Act (the "Act"), Md. Health Occ. Code Ann. § 4-101 *et seq.* (2005 Repl. Vol. and 2008 Supp.).

The Board takes such action pursuant to its authority under Md. St. Gov't Code Ann. § 10-226(c)(2004 Repl. Vol.), concluding that the public health, safety and welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:¹

¹ The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

BACKGROUND FINDINGS

1. At all times relevant to this Order for Summary Suspension (the "Order"), the Respondent was and is certified to practice as a D.R.T. in the State of Maryland. The Respondent initially received his certification to practice dental radiation technology in Maryland on or about March 26, 2006, under Certificate Number 13257.

2. At all times relevant to this Order, the Respondent was employed as a dental assistant/D.R.T. at Bright Now Dental, Inc. ("Bright Now Dental"), located at 5726 Buckeystown Pike, Frederick, Maryland 21701.

3. On or about June 22, 2009, the Office of the State's Attorney for Frederick County, Maryland, notified the Board that on or about June 12, 2009, the Grand Jury of Frederick County, Maryland, issued a four count Indictment against the Respondent, alleging that he committed various sexual offenses against an adult female (hereinafter, "Patient A"),² occurring on or about April 22, 2009.

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offense in the third degree, in violation of Md. Criminal Law Code Ann. § 3-307(a)(2), by unlawfully placing Patient A's hand on his penis. Count four (4) of the Indictment alleges that the Respondent committed an assault in the second degree, in violation of Md. Criminal Law Code Ann. § 3-203, by placing his tongue in Patient A's mouth.

6. After receiving this information, the Board conducted an investigation of this matter. The Board's investigative findings are set forth *infra*.

BOARD INVESTIGATIVE FINDINGS

7. Patient A, a woman then in her early 20's, presented to Bright Now Dental on the morning of April 22, 2009, for removal of her wisdom teeth. The Respondent was acting as a dental assistant/D.R.T. at Bright Now Dental that day. Prior to undergoing the procedure, Patient A had a conversation with the Respondent.

8. Patient A was then prepared for surgery, after which Patient A's dentist administered her intravenous sedation and surgically extracted her four wisdom teeth.

9. After the conclusion of the procedure, the operating dentist left the operatory. Patient A was coming out of anesthesia at or around this time. The Respondent came into the operatory and began sexually assaulting Patient A. Among other acts, the Respondent, without Patient A's consent or permission, reached under her shirt and began fondling her breast. The Respondent, without Patient A's consent or permission, reached under her pants and touched and/or fondled her vagina. The Respondent, without Patient A's consent or permission, took her hand and placed and/or rubbed it against his pants leg, for purposes of touching his penis. The Respondent, without Patient A's consent or permission, kissed her on the lips and/or placed his tongue in her mouth multiple times. During the commission of these acts, the Respondent stated to Patient A, "I love you and I want to have sex."

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13. On or about June 12, 2009, the Respondent was indicted on sexual assault charges (see paragraphs 3 and 5 above). A trial date for the above charges has been scheduled for November 3, 2009 in the Circuit Court of Maryland for Frederick County.

14. During its investigation, the Maryland State Police investigation determined that beginning on or about June 15, 2009, the Respondent approached one

or more persons and attempted to solicit them to intimidate Patient A, in order to discourage her from pursuing the allegations against him.

15. The Respondent was subsequently charged with witness intimidation, in violation of Md. Criminal Law Code Ann. § 9-305. A trial date for the above charges has been set for September 3, 2009 in the District Court of Maryland for Frederick County.

16. Maryland State Police investigation also determined that on February 13, 2009, Bright Now Dental took disciplinary action against the Respondent after three separate female staff persons at Bright Now Dental made three separate sexual harassment complaints about him. These staff members alleged, among other things, that the Respondent, without their consent or permission, perpetrated the one or more of the following acts against them: grabbed their breasts; rubbed his genital area against their buttocks; and massaged their shoulders and/or lower backs. Bright Now Dental issued the Respondent a written Disciplinary Warning and imposed corrective action against him in response to these allegations. Bright Now Dental advised the Respondent that the Disciplinary Warning constituted its final written warning to him regarding harassment, and that further similar allegations could result in immediate termination.

17. Based on the above investigative facts, the Board has probable cause to believe that the Respondent committed prohibited acts as set forth in the Act under H.O. § 4-505(a)(2), and regulations promulgated thereto. Specifically, the Board has probable cause to believe that the Respondent violated one or more of the following subsections of Md. Code Regs. ("COMAR") tit. 10, § 44.19.11:

- A. Subject to the hearing provisions of this chapter, the Board may 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:

- (14) Engages in sexual misconduct as set forth in COMAR 10.44.23; [and/or]
- (15) Behaves dishonorably or unprofessionally.

17. The Board concludes that the Respondent's conduct, as described above, constitutes a danger to the health, safety and welfare of the public.

CONCLUSIONS OF LAW

Based on the foregoing findings, it is therefore this 5th day of August, 2009, by a majority vote of a quorum of the State Board of Dental Examiners, by authority granted to the Board by Md. St. Govt. Code Ann. § 10-226(c)(2) (2004 Repl. Vol.), the certification held by the Respondent to practice as a dental radiation technologist in Maryland, Certificate Number 13257, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be lifted/terminated, regarding the Respondent's fitness to practice as a dental radiation technologist and the danger to the public; and be it further

ORDERED that the Respondent shall immediately turn over to the Board all certificates to practice dental radiation technology issued by the Board that are in his possession; and be it further

ORDERED that this document constitutes a Final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Govt. Code Ann. § 10-617(h) (2004 Repl. Vol.).



Jane S. Casper, R.D.H., M.A. President
Maryland State Board of Dental Examiners
Spring Grove Hospital Center
Benjamin Rush Building
55 Wade Avenue
Catonsville, Maryland 21228

NOTICE OF HEARING

A Show Cause Hearing to determine whether the Summary Suspension shall be lifted/terminated will be held before the Board at Spring Grove Hospital Center, Benjamin Rush Building, 55 Wade Avenue, Baltimore, Maryland 21228, following a written request by the Respondent.

