

IN THE MATTER OF
DENNIS R. HATFIELD, D.D.S

Respondent

License Number: 5951

* BEFORE THE MARYLAND
* STATE BOARD OF
* DENTAL EXAMINERS
* Case Number: 2017-101

* * * * *

CONSENT ORDER

On May 26, 2017, the Maryland State Board of Dental Examiners (the "Board") summarily suspended the dental license of DENNIS R. HATFIELD, D.D.S., (the "Respondent"), License Number 5951. On June 8, 2017, the Board charged the Respondent with violating the Maryland Dentistry Act (the "Act"), Md. Code Ann., Health Occ. I ("Health Occ. I") §§ 4-101 *et seq.* (2014 Repl. Vol.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act under Health Occ. I § 4-315 and Md. Code Regs. ("COMAR") 10.44.23.01:

Health Occ. I § 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:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession;
- (17) Is mentally or physically incompetent to practice dentistry;
- (20) Violates any rule or regulation adopted by the Board; [and]

- (22) Willfully makes or files a false report or record in the practice of dentistry[.]

COMAR 10.44.23.01 Unprofessional or Dishonorable Conduct

- B. A dentist, dental hygienist, or dental radiation technologist may not engage in unprofessional or dishonorable conduct.
- C. The following shall constitute unprofessional or dishonorable conduct in the practice of dentistry, dental hygiene, or dental radiation technology:
- (2) Engaging in conduct which is unbecoming a member of the dental profession; [and]
 - (8) Committing any other unprofessional or dishonorable act or omission in the practice of dentistry, dental hygiene, or dental radiation technology.

On July 19, 2017, a Case Resolution Conference ("CRC") was held before a committee of the Board. As a resolution of this matter, the Respondent agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

I. BACKGROUND

1. At all times relevant, 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 28, 1975, under License Number 5951. The Respondent's license is current through June 30, 2017.

2. Since in or around 2003, the Respondent has voluntarily participated in the dental well-being program with the Maryland Dentist Well-Being Committee

("WBC"), a standing committee of the Maryland Dental Association committed to assist dentists who may have illnesses that cause impairment to their ability to practice dentistry.

3. The Board initiated an investigation of the Respondent on or about December 19, 2016, after reviewing a complaint from a WBC employee ("Employee A"),¹ who sought the Board's assistance in addressing the Respondent's drug and alcohol problems. Employee A reported that the Respondent had voluntarily participated with WBC since 2003 after he was arrested for alcohol-related driving offenses. Employee A stated since 2003, the Respondent had relapsed on a number of occasions and had been through numerous inpatient treatment programs. Employee A stated that after each relapse, the Respondent agreed to participate in inpatient treatment and extend his rehabilitation contract with WBC for an additional five years. In 2015, the Respondent admitted to using alcohol and prescription benzodiazepines, and was arrested for driving while impaired for which he spent 30 days in jail. Employee A stated that the Respondent signed a new five-year contract with WBC on November 15, 2016. Employee A stated that due to the Respondent's history and recent relapses, he was requesting the Board's assistance in addressing the Respondent's continuing alcohol/drug abuse issues.

4. At no time has the WBC or the Board ever received a patient complaint regarding Respondent and there is no evidence that Respondent ever treated any patient while under the influence of alcohol or ever harmed a patient.

¹ To ensure confidentiality and protect privacy, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this document.

II. BOARD INVESTIGATION

A. Alcohol/Drug Abuse

5. In the course of its investigation, the Board received e-mails and periodic reports from another WBC employee ("Employee B") who was closely involved in the Respondent's rehabilitation. These e-mails and reports showed that from in or around late December 2016 until late April 2017, the Respondent: continued to use alcohol; appeared at his dental office impaired with patients waiting to be treated; failed to comply with terms and conditions of his Advocacy and Monitoring Agreement; and was arrested for alcohol-related driving offenses on or about April 6, 2017. Details of the Respondent's conduct are set forth below.

6. On or about November 10, 2016, the Respondent entered into a new five-year Advocacy and Monitoring Agreement with WBC. Among other provisions, Provision 7 of the Advocacy and Monitoring Agreement states, "I understand that the DWB (Dental Well-Being) Committee will report my ongoing progress to the Dental Board and the Board may take action against my license if I do not follow through with this agreement." Moreover, Provision 9 states, "I agree to maintain abstinence from the use of any mood altering chemicals (drugs and/or alcohol) unless prescribed by another physician in an appropriate manner for an illness with full knowledge and agreement of the DWB."

7. The Respondent was scheduled to have a knee surgery on December 19, 2016, at 5:30 a.m. but failed to appear for the appointment until 9:00 a.m., reportedly because he had been drinking alcohol.

8. On or about December 27, 2016, a WBC staff spoke to the Respondent on the telephone and noted that the Respondent sounded impaired. Later, a family member of the Respondent reported to WBC that the Respondent had been drinking alcohol all week and was unable to attend to his dental practice.

9. On or about December 28, 2016, WBC referred the Respondent to an inpatient treatment program in Georgia. Prior to the inpatient treatment program in Georgia, the Respondent spent a few days in a detoxification program in Maryland. The Respondent entered the inpatient treatment program in Georgia on or about January 7, 2017.

10. In or around early February 2017, the Respondent completed the inpatient treatment program in Georgia and returned to practice dentistry in Maryland. The Respondent attended support groups and complied with the requirements for urine toxicology screening.

11. On or about March 18, 2017, the Respondent had a relapse and starting drinking alcohol again. On or about March 20, 2017, the Respondent appeared at his dental office in an intoxicated state. The Respondent's dental staff would not allow him to treat any patients and transported him to an area hospital for treatment of a cut on his forehead. Employee B scheduled an evaluation for the Respondent with his therapist for March 25, 2017, but the Respondent failed to appear for the appointment.

12. On or about April 6, 2017, the Respondent was arrested and charged with alcohol-related driving offenses in Anne Arundel County, Maryland.

13. On or about April 12, 2017, Employee B reported that the Respondent continued to consume alcohol all weekend and did not respond to Employee B's

telephone calls. Employee B recommended that the Respondent attend another inpatient treatment program in Delaware.

14. On or about April 23, 2017, the Respondent was transported to an area hospital for medical attention, after which he was transferred directly to an inpatient treatment program in Delaware.

B. Alcohol/Drug-Related Driving History

15. Board investigators also conducted an investigation of the Respondent's alcohol/drug-related driving history. The Board's investigation revealed that the Respondent was arrested and charged in four alcohol/drug-related driving incidents, the earliest dating back to 2003.

16. On or about August 20, 2003, the Respondent was charged with alcohol-related driving offenses in Anne Arundel County, Maryland. On or about February 4, 2004, the Respondent appeared in the Circuit Court for Anne Arundel County, Maryland and was found guilty of driving a vehicle while impaired by alcohol, Citation Number BR57123. The Court granted the Respondent probation before judgment.

17. On or about May 28, 2013, the Respondent was involved in a single-vehicle accident in Anne Arundel County, Maryland. On or about June 6, 2013, the Respondent was charged with alcohol-related driving offenses. On or about September 10, 2013, the Respondent appeared in the Circuit Court for Anne Arundel County, Maryland, Case Number K-13-1713, and pleaded guilty to the charge of driving a vehicle while impaired by alcohol. The Court sentenced the Respondent to one year of incarceration with all but 10 days suspended, followed by three years of supervised probation.

18. On or about June 9, 2015, the Respondent was charged with alcohol/drug-related driving offenses in Anne Arundel County, Maryland. On or about October 7, 2015, the Respondent appeared in the District Court of Maryland for Anne Arundel County and pleaded guilty to driving a vehicle while so far impaired by drug(s) and alcohol that the driver could not drive safely, Citation Number JL23406. The Court sentenced the Respondent to 60 days of incarceration with all but 30 days suspended, followed by one year of supervised probation.

19. On or about April 6, 2017, the Respondent was charged in the District Court of Maryland for Anne Arundel County with: driving a vehicle while under the influence of alcohol, driving while impaired by alcohol, negligent driving, reckless driving and failure to display license on demand. Respondent has been sentenced to participate in Anne Arundel County's DUI-Drug Court for 18 months.

C. 2015 License Renewal

20. As part of its investigation, the Board reviewed the Respondent's 2015 application for license renewal ("2015 Renewal") to determine if he disclosed his alcohol-related driving offenses.

21. In his 2015 Renewal under the heading "Character and Fitness," which covered the period from July 1, 2013, to June 30, 2015, the Respondent answered "N" for no to the following questions:

6. 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?
7. Have you pled guilty, nolo contendere, had a conviction, or receipt of probation before judgment or other diversionary disposition for an alcohol or controlled dangerous substance

offense, including but not limited to driving while under the influence of alcohol or controlled dangerous substances?

8. Are there any criminal charges against you in any court of law, excluding minor traffic violations?

22. The Respondent willfully failed to disclose in his 2015 Renewal that he pleaded guilty to and was convicted of driving a vehicle while impaired by alcohol on or about September 10, 2013, in the Circuit Court for Anne Arundel County, Maryland.

23. The Respondent also willfully failed to disclose in his 2015 Renewal that at the time he filed the renewal application, he had pending criminal charges for alcohol/drug-related driving offenses, which were issued on June 9, 2015, in the District Court of Maryland for Anne Arundel County.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's abuse of alcohol and his persistent violation of the Advocacy and Monitoring Agreements with WBC, constitute: behaving dishonorably or unprofessionally, or violating a professional code of ethics pertaining to the dentistry profession, in violation of Health Occ. I § 4-315(a)(16); being mentally or physically incompetent to practice dentistry, in violation of § 4-315(a)(17); and violating any rule or regulation adopted by the Board, *i.e.* COMAR 10.44.23.01B, C(2) and C(8), in violation of § 4-315(a)(20).

The Board further finds that the Respondent's willful failure to disclose in his 2015 Renewal that he: pleaded guilty to and was convicted of driving a vehicle while impaired by alcohol on or about September 10, 2013, and had pending criminal charges for alcohol/drug-related driving offenses in the District Court of Maryland for Anne

Arundel County, which constitutes: (i) fraudulently or deceptively obtaining or attempting to obtain a license, in violation of Health Occ. I § 4-315(a)(1); (ii) behaving dishonorably or unprofessionally, or violating a professional code of ethics pertaining to the dentistry profession, in violation of Health Occ. I § 4-315(a)(16); (iii) violating any rule or regulation adopted by the Board, *i.e.* COMAR 10.44.23.01B, C(2) and C(8), in violation of § 4-315(a)(20); and (iv) willfully making or filing a false report or record in the practice of dentistry, in violation of § 4-315(a)(22).

ORDER

It is, on the affirmative vote of a majority of the Board, hereby:

ORDERED that the Respondent's license to practice dentistry in Maryland shall continue to be **SUSPENDED** for a period of **FIVE (5) YEARS**, starting from the date of this Consent Order, with all but **SIX (6) MONTHS STAYED**, subject to the following terms and conditions:

- (i) The Respondent shall enroll in or, if he is already enrolled, continue to participate in the Dental Well-Being Program administered by the Dentist Well-Being Committee ("WBC") of the Maryland State Dental Association during his suspension. The Respondent shall fully, timely and satisfactorily cooperate and comply with all WBC recommendations and requirements, including but not limited to, the terms and conditions of any Monitoring Agreement, complete abstinence, random monitored toxicology screens as required by WBC, ignition interlock system, self-help fellowship meetings and in-patient substance abuse treatment, if recommended by WBC.
- (ii) Unless the Respondent has done so already, he shall sign any written release/consent forms, and update them, as required by the Board or WBC. Specifically, the Respondent shall sign any written release/consent form as required by the Board to authorize WBC to make verbal and written disclosures to the Board, including disclosure of any WBC records and files and confidential drug and alcohol abuse information about the Respondent. The Respondent shall also sign any written release/consent forms required by WBC to authorize WBC to exchange with (*i.e.* disclose to and receive from) outside entities' (including all of the Respondent's

current therapists and treatment providers) verbal and written information about him, including confidential drug and alcohol abuse information.

- (iii) The Respondent shall undergo addiction and psychiatric evaluation(s) to assess any addiction and psychiatric issues he may have, and to determine whether the Respondent has the ability to safely practice dentistry.
- (iv) The Respondent shall submit monthly written reports to the Board detailing his probationary status, the terms and conditions, and any changes thereof, with the District Court of Maryland for Anne Arundel County. The Respondent shall submit the above monthly reports to the Board until his probation with the District Court of Maryland for Anne Arundel County is terminated.
- (v) Upon the Respondent's receipt of an evaluation by a psychiatrist stating that he has the ability to safely practice dentistry and an endorsement from WBC, the Respondent may petition the Board for reinstatement of his license. After consideration of the petition, the Board may stay the remainder of suspension of the Respondent's license. The Respondent may be required to appear before the Board or a committee of the Board to discuss his petition. The Board, in its discretion, may grant the petition to stay the remainder of the suspension if the Respondent has complied with all of the terms and conditions of the suspension of his license.

AND IT IS FURTHER ORDERED that upon the staying of the suspension of the Respondent's license, he is placed on **PROBATION** for a minimum period of **FIVE (5) YEARS**. During the probationary period, the Respondent shall comply with all of the following probationary terms and conditions:

- (i) The Respondent shall continue to participate in the Dental Well-Being Program administered by WBC for the entire duration of his probation. The Respondent shall enter into a new five-year term Monitoring Agreement with WBC. For the entire duration of the probationary period, the Respondent shall fully, timely and satisfactorily cooperate and comply with all WBC recommendations and requirements, including but not limited to, the terms and conditions of the Monitoring Agreement, complete abstinence from alcohol, random monitored toxicology screens as required by WBC, ignition interlock system, self-help fellowship meetings and in-patient substance abuse treatment, if recommended by WBC.

- (ii) From time to time, as determined by WBC, the Respondent shall sign a written release or consent forms, and update the releases or consent forms as required by the Board or WBC. Specifically, the Respondent shall sign a written release or consent form as required by the Board to authorize WBC to make verbal and written disclosures to the Board, including disclosure of any WBC records and files and confidential drug and alcohol abuse information about the Respondent. The Respondent shall also sign any written release/consent forms required by WBC to authorize WBC to exchange with (i.e. disclose to and receive from) outside entities' (including all of the Respondent's current therapists and treatment providers) verbal and written information about him, including confidential drug and alcohol abuse information.
- (iii) For the entire duration of the probationary period, the Respondent shall completely abstain from using alcohol, unprescribed Controlled Dangerous Substances ("CDS"), narcotics, illegal drugs and other mood-altering substances. The Respondent may take CDS, but only if prescribed by a licensed health care provider for a legitimate medical purpose and only as prescribed. Prior to accepting any CDS prescription from a licensed health care provider, the Respondent shall provide the prescribing licensed health care provider with a copy of this Consent Order. The Respondent shall immediately notify WBC and the Board of any CDS prescription he obtains and the justification for the prescription.
- (iv) The Respondent shall continue to submit monthly written reports to the Board detailing his probationary status, the terms and conditions, and any changes thereof, with the District Court of Maryland for Anne Arundel County. The Respondent shall submit the above monthly reports to the Board until his probation with the District Court of Maryland for Anne Arundel County is terminated.
- (v) The Respondent's dental practice may be subject to review by the Board, i.e. random review of patient records.
- (vi) The Respondent shall comply with the Maryland Dentistry Act and all laws, statutes and regulations pertaining thereto.

AND IT IS FURTHER ORDERED that, after the conclusion of the **FIVE (5) YEAR** probationary period, the Respondent 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. The Respondent may be required to appear before the Board or a committee of the Board to discuss his petition for

termination. The Board will grant the petition to terminate the probation if the Respondent has complied with all of the probationary terms and conditions and there are no pending complaints of similar violations; and it is further

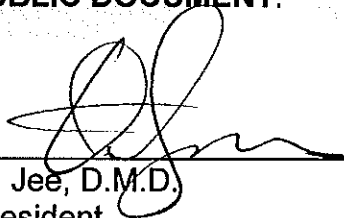
ORDERED that if the Board determines, after notice and an opportunity for an evidentiary hearing before the Board if there is a genuine dispute as to a material fact or a show cause hearing before the Board if there is no genuine dispute as to a material fact, that the Respondent has failed to comply with any terms or condition of probation or this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, impose a civil monetary fine upon the Respondent, or suspend or revoke the Respondent's license to practice dentistry in Maryland; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that, unless stated otherwise in the order, any time period prescribed in this order begins when the Consent Order goes into effect. The Consent Order goes into effect upon the signature of the Board Chair; and is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT**.

8/16/2017
Date



Arthur C. Jee, D.M.D.
Board President
Maryland State Board of Dental Examiners

CONSENT

I, Dennis R. Hatfield, D.D.S., acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By my 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.

Date

8/11/17

Dennis R. Hatfield, D.D.S.
Respondent

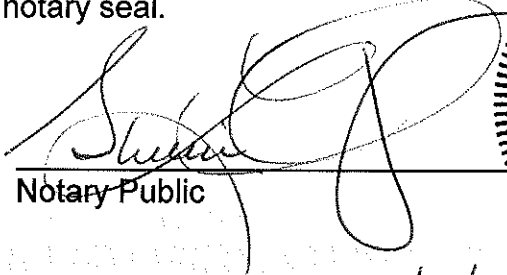
NOTARY

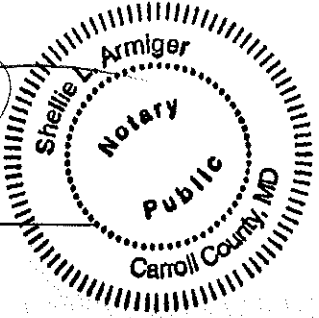
STATE OF MARYLAND
CITY/COUNTY OF

Carroll

I HEREBY CERTIFY that on this 11th day of August, 2017, before me, a Notary Public of the foregoing State and City/County personally appear Dennis R. Hatfield, D.D.S., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.


Notary Public



My commission expires: 12/10/2017