

IN THE MATTER OF
DONG S. LEE, D.D.S.

Respondent

License Number: 7702

* BEFORE THE MARYLAND
* STATE BOARD OF
* DENTAL EXAMINERS
* Case Number: 2018-185¹

* * * * *

**ORDER FOR SUMMARY SUSPENSION OF
LICENSE TO PRACTICE DENTISTRY**

The Maryland State Board of Dental Examiners (the "Board") hereby **SUMMARILY SUSPENDS** the license of **DONG S. LEE, D.D.S.** (the "Respondent"), License Number 7702, to practice dentistry in the State of Maryland. The Board takes such action pursuant to its authority under Md. Code Ann., State Gov't ("State Gov't") § 10-226(c)(2014 Repl. Vol.), finding that the public health, safety, or 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: ²

¹ The allegations set forth in this order are strictly limited to the Board's investigation with respect to the Respondent's compliance with Centers for Disease Control and Prevention ("CDC") Guidelines in his dental practice. Case Number 2018-185 includes non-CDC related issues that that the Board continues to investigate and is not foreclosed from later bringing additional disciplinary charges against the Respondent.

² 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.

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 November 18, 1981, under License Number 7702. The Respondent's license is current through June 30, 2018.

2. At all times relevant, the Respondent practiced general dentistry at locations in Fort Washington, Maryland (the "MD Office")³ and Alexandria, Virginia.

3. On or about March 15, 2018, the Board received a complaint from an individual (the "Complainant") alleging, *inter alia*, that the Respondent's MD Office was "filthy, unclean" and that he "does not properly sterilize, clean his tools, equipment," which posed health hazards to his patients and the public.

4. Based on the complaint, the Board initiated an investigation of the Respondent and his MD Office.

II. CDC INSPECTION

5. Due to the Complainant's allegation of unsanitary condition at the Respondent's MD Office, on or about March 19, 2018, a Board-contracted infection control expert (the "Board Inspector") visited the Respondent's MD Office and conducted an infection control inspection.

6. Initially, the Board Inspector noted that the Respondent was a sole-practitioner at a general dentistry practice with two operatories. The Respondent

³ To ensure confidentiality, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this document. The Respondent may obtain the identity of the referenced individuals or entities in this document by contacting the administrative prosecutor.

employed a part-time dentist, who also worked at the Respondent's Virginia dental practice, and a full-time receptionist.

7. As part of the inspection, the Board Inspector utilized the Centers for Disease Control and Prevention Infection Prevention Checklist for Dental Settings.

8. During the inspection, the Board Inspector found the following CDC violations:

Policies and Practices

- a. Failure to maintain and produce equipment maintenance log for autoclave and dental waterline.
- b. Failure to maintain and produce written policies, guidelines, procedures, protocols, training manuals, training logs, or other records with respect to: Infection Prevention Education and Training; Dental Health Care Personnel Safety; Program Evaluation; Hand Hygiene; Personal Protective Equipment; Respiratory Hygiene/Cough Etiquette; Sharp Safety; Sterilization and Disinfection of Patient Care Items and Devices; Environmental Infection Prevention and Control; and Dental Unit Water Quality.
- c. Failure to maintain and produce customized CDC manual or training log for staff on infection control or bloodborne pathogens.

Direct Observation of Personnel and Patient-Care Practices

- d. Failure to comply with Sterilization and Disinfection of Patient Care Items and Devices. The Board Inspector observed multiple examples of unverifiable sterilization of critical and semi-critical

items such as burs, bur blocks, XCP equipment, hand instruments, high speed and low speed hand pieces and other miscellaneous items. The majority of the office instrumentation inventory in both operatories and in the storage area was not in autoclave bags. The vast majority of instruments were maintained exposed in drawers with no evidence of verifiable sterilization.

- e. Failure to comply with Environmental Infection Prevention and Control. The Board Inspector observed multiple examples of missing barrier protection on dental units, waterlines, connectors, radiological equipment and dental devices. The operatory counter tops were cluttered, and non-sterile instruments were present, including burs, bur blocks, XCP equipment and hand instruments. Instrument and supply storage areas were cluttered and contained multiple expired products and hand instruments that could not be verified as sterilized.

9. Based on his observations and inspection, the Board Inspector determined that the Respondent's dental practice at his MD Office posed a risk to patient and staff safety.

CONCLUSIONS OF LAW

Based on the foregoing investigative findings, the Board concludes as a matter of law that there is a substantial likelihood that the Respondent poses a risk of harm to the public health, safety and welfare, which imperatively requires the immediate suspension of his license, pursuant to State Gov't § 10-226(c)(2)(2014 Repl. Vol.).

ORDER

Based on the foregoing investigative findings, it is, by a majority of a quorum of the Board considering this case, pursuant to authority granted to the Board by State Gov't § 10-226(c)(2)(2014 Repl. Vol.):

ORDERED that the Respondent's license to practice dentistry in the State of Maryland, License Number 7702, is hereby **SUMMARILY SUSPENDED**; and it is further


ORDERED that upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled at the Board's next regularly scheduled meeting but not to exceed thirty (30) days from the date of the Respondent's request, at which the Respondent will be given an opportunity to be heard as to why the Order for Summary Suspension should not continue; and it is further

ORDERED that if the Respondent fails to request a Show Cause Hearing or files a written request for a Show Cause Hearing and fails to appear, the Board shall uphold and continue the Summary Suspension of his license; and it is further

ORDERED that upon service of this Order for Summary Suspension, the Respondent shall immediately surrender to the Board all indicia of licensure to practice dentistry issued by the Board that are in his possession, including but not limited to his original license, renewal certificates and wallet size license; and it is further

ORDERED that this document constitutes an order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014).

4/18/2018
Date



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

NOTICE OF HEARING

Upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing will be held at the offices of the Maryland State Board of Dental Examiners, Spring Grove Hospital Center, Benjamin Rush Building, 55 Wade Avenue, Catonsville, Maryland 21228. The Show Cause Hearing will be scheduled for the Board's next regularly scheduled meeting but not to exceed thirty (30) days from the Board's receipt of a written request for a hearing filed by the Respondent.

At the conclusion of the Show Cause Hearing held before the Board, the Respondent, if dissatisfied with the result of the hearing, may, within ten (10) days, file a written request for an evidentiary hearing. Unless otherwise agreed to by the parties, the Board shall provide a hearing within forty-five (45) days of the Respondent's written request. The Board shall conduct an evidentiary hearing under the contested case provisions of State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol.).