IN THE MATTER OF	*	**BEFORE THE MARYLAND**
ROBERT C. BINGHAM, D.D.S.	*	**STATE BOARD OF**
Applicant	*	**DENTAL EXAMINERS**
	*	**Case Number: 2019-077**

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FINAL ORDER

On the 6th day of December, 2019, the Maryland State Board of Dental Examiners (the "Board") notified **ROBERT C. BINGHAM, D.D.S.** (the "Applicant") of the Board's intent to deny his *Application for Dental Licensure for Dentists Licensed in Another State* (the "Application"), filed on September 24, 2018, pursuant to the Maryland Dentistry Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 4-101 *et seq.* (2014 Repl. Vol.) and COMAR 10.44.23 *et al.*

The Board based its action on the Applicant's violation of the following provisions of the Act:

Health Occ. § 4-315. Denials, reprimands, probations, suspensions, and revocations -- Grounds.

(a) *License to practice dentistry.* -- Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

(16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession;

(20) Violates any rule or regulation adopted by the Board;

(21) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; [and]

(34) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board[.]

The underlying grounds for disciplinary action under Health Occ. § 4-315(a)(21) include Health Occ. § 4-315(a):

(16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession;

(20) Violates any rule or regulation adopted by the Board; [and]

(34) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board[.]

The Board further alleged that the Applicant violated the following rule or regulation adopted by the Board:

COMAR 10.44.23.01 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.

COMAR 10.44.30.02. General Provisions for Handwritten, Typed and Electronic Health Records.

K. Dental records shall:

(1) Be accurate;

(2) Be detailed; [and]

(5) Document all data in the dentist's possession pertaining to the patient's dental health status[.]

In its Notice, the Board informed the Applicant that he had the opportunity to request a hearing before the Board by submitting a request in writing to the Board's Executive Director within thirty days of service of the Notice. More than thirty days have elapsed since the service of the Notice on the Applicant, and the Applicant has not requested a hearing.

FINDINGS OF FACT

The Board makes the following findings of fact:

I. BACKGROUND

1. The Applicant is not and has never been licensed to practice dentistry in the State of Maryland.

2. The Applicant is licensed to practice dentistry in the State of Arizona. The Arizona State Board of Dental Examiners (the "Arizona Board") issued the Applicant a dental license on August 9, 2005, under License Number D06680. The Applicant's Arizona dental license is current until June 30, 2021.

II. THE APPLICATION

3. The Applicant submitted his Application, dated September 8, 2018, which the Board received on September 24, 2018.

4. In the Application under the section entitled "SECTION V – CHARACTER AND FITNESS," the Applicant marked "YES" to QUESTION(a), which asked:

> Has any licensing or disciplinary board of any jurisdiction, including Maryland, or any federal entity denied your application for licensure, reinstatement, or renewal, or taken any action against your license, including but not limited to reprimand, suspension, revocation, a fine, or non-judicial punishment? If you are under Board Order or were ever under Board Order in a state other than Maryland, you must enclose a certified legible copy of the entire Order with this application.

5. In a written explanation to QUESTION(a) submitted with the Application, the Applicant provided detailed disclosure of three prior disciplinary actions by the Arizona Board against him in 2010, 2011 and 2017.

6. Based on the Applicant's prior licensing disciplinary history, the Board initiated an investigation of the matter.

III. BOARD INVESTIGATION

7. Based on the Applicant's disclosure of prior disciplinary history in Arizona, the Board obtained the Arizona Board's investigative files relating to those disciplinary actions. The Arizona Board's findings, conclusions and sanctions are set forth below.

A. Case Number 290070

8. In an order issued on February 12, 2010, the Arizona Board found that the Applicant engaged in unprofessional conduct, in violation of A.R.S.Section 32-1201(21)(n), when he provided crown and bridge (Teeth #3 to #5) to a patient but left open mesial and distal margins on Tooth #3. The Arizona Board further

found that the Applicant failed to comply with an Arizona Board subpoena sent on March 3, 2008, in a timely manner, in violation of A.R.S. Section 32-1201(21)(w).

9. In Case Number 290070, the Arizona Board imposed a $500.00 administrative penalty and ordered the Applicant to complete six (6) hours of continuing education courses in the area of crown and bridge.

B. Case Number 201000156

10. In an order issued on February 15, 2011, the Arizona Board found that the Applicant engaged in unprofessional conduct, in violation of A.R.S. Section 32-1201(21)(n), when during patient treatment, he left open margins to Teeth #7 and #9 after seating the crowns and failed to document instructions for size/shape of the crowns in the laboratory slip.

11. In Case Number 201000156, the Arizona Board imposed a $984.00 restitution and ordered the Applicant to complete twelve (12) hours of continuing education courses in the area of crown and bridge.

C. Case Number 201600125

12. In an order issued on April 3, 2017, the Arizona Board found that the Applicant engaged in unprofessional conduct, in violation of A.R.S. Section 32-1201.01(14), when he left open margins to Teeth #11 and #13 while providing crowns and bridges to a patient and failed to document that he had removed an implant for that patient.

13. In Case Number 201600125, the Arizona Board ordered that the Applicant complete eighteen (18) hours of course(s) on hands on crown and bridge in a dental school setting.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Arizona Board's findings that the Applicant engaged in unprofessional conduct for: leaving open margins during crown and bridge procedures on patients; and failing keep accurate documentation, constitute grounds for denial of his Application under: Health Occ. § 4-315(a)(16) – behaving dishonorably or unprofessionally, or violating a professional code of ethics pertaining to the dentistry profession; Health Occ. § 4-315(a)(20) – violating any rule or regulation adopted by the Board, *to wit* COMAR 10.44.23.01C(2) and COMAR 10.44.30.02K(1), (2) and/or (5); and Health Occ. § 4-315(a)(21) – being disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes, *to wit* Health Occ. §§ 4-315(a)(16) and (20).

The Board further concludes that the Arizona Board's findings that the Applicant failed to comply with a board subpoena in a timely manner constitute grounds for denial of his Application under: Health Occ. § 4-315(a)(21) – being disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the

Board's disciplinary statutes, *to wit* Health Occ. §§ 4-315(a)(34); and willfully and without legal justification, failing to cooperate with a lawful investigation conducted by the Board.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the affirmative vote of a majority of the Board considering this case:

ORDERED that the Applicant, Robert C. Bingham, D.D.S.'s *Application for Dental Licensure for Dentists Licensed in Another State*, filed on September 24, 2018, be and hereby is **DENIED**; and it is further

ORDERED that this Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

December 6, 2019
Date

Francis X. McLaughlin, Jr.
Executive Director
Maryland State Board of Dental Examiners

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 4-315(b) (2014 Repl. Vol.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of service of this Order and shall be made as provided for judicial review of a final decision in the Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol.) and Title 7, Chapter 200 of the Maryland Rules.