

IN THE MATTER OF  
MOHAMMED WARSHANNA, D.M.D.  
THE RESPONDENT

License Number: 11884

\* BEFORE THE MARYLAND  
\* STATE BOARD OF  
\* DENTAL EXAMINERS  
\* Case Numbers: 2018-070 & -078

\* \* \* \* \*

**CONSENT ORDER**

On or about October 17, 2018, the Maryland State Board of Dental Examiners (the “Board”) charged **MOHAMMED WARSHANNA, D.M.D.** (the “Respondent”), License Number 11884, with violating his Consent Order, dated March 1, 2017 (the “Consent Order”), under the Maryland Dentistry Act (the “Act”), codified at Md. Code Ann., Health Occ. (“Health Occ.”) §§ 4-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.), and specifically pursuant to the following provision of the Consent Order:

**ORDERED** that that the Respondent permanently cease treating patients who are 17 years old or younger, with the exception of orthodontia for patients ages 13 – 17 years old [.]

On or about February 6, 2019, following a Case Resolution Conference (CRC) held at the Board’s offices, the Respondent and the Board agreed to enter into this Consent Order.

**FINDINGS OF FACT**

The Board finds the following facts.

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BOARD OF DENTAL EXAMINERS

## **I. Disciplinary History**

1. On or about March 1, 2017, the Respondent entered into a public Consent Order.<sup>1</sup>

2. Pursuant to the Consent Order, the Board reprimanded the Respondent and placed him on probation for minimum period of one-year and various conditions, including, but not limited to, that he “permanently cease treating patients who are 17 years old or younger, with the exception of orthodontia for patients ages 13 – 17 years old.”

## **II. Complaint 1**

3. On or about October 6, 2017, the Board received a written complaint (“Complaint 1”) filed by an investigator employed by a dental insurance company (“Complainant 1”).

4. Complaint 1 detailed that on or about September 18, 2017, the Respondent had submitted a claim for services provided on August 29, 2017 to a minor patient (“Patient A”) in violation of the Consent Order. The claimed treatment included examination, radiographs, and prophylaxis. Complainant 1 stated that the claim was denied based on Complainant 1’s awareness of the Consent Order’s permanent prohibition against the Respondent treating minors, except for orthodontia.

5. Based on Complaint 1, the Board initiated an investigation.

6. In furtherance of its investigation, the Board obtained Patient A’s records, which confirmed that the Respondent had provided treatment to Patient 1 including oral

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<sup>1</sup> The Consent Order is attached and incorporated herein as Attachment 1.

evaluation, radiographs, and prophylaxis. Patient 1 was fifteen years old at the time of treatment.

7. Several months later, Complainant 1 contacted the Board alleging that the Respondent had treated another minor patient (“Patient 2”) in violation of the Consent Order.

8. Based on the additional information from Complainant 1, the Board obtained patient records confirming that on or about November 24, 2017, the Respondent provided treatment to Patient 2 including oral evaluation, radiographs, prophylaxis, and fluoride application. Patient 2 was ten years old at the time of treatment.

### **III. Complaint 2**

9. On or about October 19, 2017, the Board received another complaint (“Complaint 2”) from a licensed dentist (“Complainant 2”). Complainant 2 alleged that the Respondent had recently treated a minor patient (“Patient 3”) in violation of the Consent Order.

10. Based on Complaint 2, the Board obtained patient records confirming that on or about March 22, 2017, the Respondent provided treatment to Patient 3 including oral evaluation, radiographs, and prophylaxis. Patient 3 was fifteen years old at the time of treatment.

11. In addition, the patient records confirmed that on or about September 27, 2017, the Respondent provided treatment to Patient 3 including oral evaluation, prophylaxis, and fluoride application. Patient 3 was fifteen years old at the time of treatment.

#### **IV. The Respondent's Admissions**

12. On or about February 5, 2018, the Respondent presented at the Board to deliver patient records the Board had requested pursuant to its investigation. In a conversation with the Board's Dental Compliance Secretary, the Respondent stated he had "provided hygiene" to Patient 2.

13. On or about April 6, 2018, the Board's Compliance Manager conducted an in-person interview with the Respondent under oath.

14. During the interview, the Respondent acknowledged providing services including evaluations, radiographs, prophylaxis, and fluoride application to Patients 1, 2, and 3. However, he stated that he did not consider the services he provided to these patients to be dental treatment, but merely hygiene services, and therefore permissible under the Consent Order.

15. Throughout the investigation, the Respondent was cooperative and acknowledged the fact that he had provided dental hygiene to several minor patients after he had entered into the 2017 Consent Order. The Respondent's violation of the 2017 Consent Order's limitation on treatment of minor patients was due to his misunderstanding that the limitation also included dental hygiene treatment. The Respondent has complied with the 2017 Consent Order in all other respects.

#### **CONCLUSIONS OF LAW**

The Respondent's treatment of Patient 1, 2, and 3 as described above constitutes a violation of the terms and conditions of the Consent Order as cited above.

## ORDER

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

**ORDERED** that the Respondent shall be **REPRIMANDED**, and it is further

**ORDERED** as a permanent condition of the Respondent's licensure, the Respondent shall not see any patient and shall not provide any treatment of any kind related to the practice of dentistry, dental hygiene, or other dentistry-related practice, to anyone under the age of 18 (eighteen) years, with the following exception:

1. The Respondent may provide orthodontic treatment to patients ages 13 – 17 years old. "Orthodontic treatment" as used herein is strictly defined and does not include hygiene treatment or other dental treatment.

And it is further

**ORDERED** that the Respondent is placed on **PROBATION** for an additional period of **NINE (9) MONTHS**, and continuing until it is terminated by an order of the Board, and subject to the following conditions:

1. The Board, at its discretion, may conduct records reviews of the Respondent's practice to determine the Respondent's compliance with the Consent Order and/or the Maryland Dentistry Act.
2. The Respondent is fined in the amount of \$1500, all but \$500 stayed pending the satisfactory completion of the terms of this Consent Order.

And it is further

**ORDERED** that after nine (9) months from the effective date of the Consent Order, 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, or a designated Board committee. The Board, or

designated Board committee, shall grant the termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending complaints of similar nature; and it is further

**ORDERED** that if the Board has reason to believe that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be an evidentiary hearing before the Board. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board; and it is further

**ORDERED** that after the appropriate hearing, if the Board determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice dentistry in Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

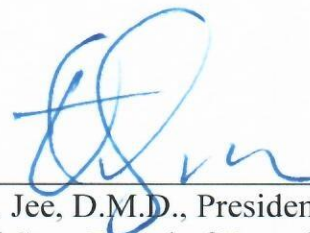
**ORDERED** that the Respondent shall at all times cooperate with the Board, any of its agents or employees, and with the Board-assigned inspector, in the monitoring, supervision and investigation of the Respondent's compliance with the terms and conditions of this Consent Order; and it is further

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

**ORDERED** that the Respondent shall comply with the Maryland Dentistry Act, Md. Code Ann., Health Occ. §§ 4-101 *et seq.*, and all laws and regulations governing the practice of dentistry in Maryland; and it is further

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

3/6/19  
\_\_\_\_\_  
Date

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

**CONSENT**

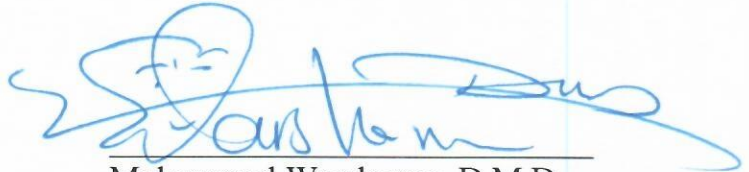
By this Consent, I, Mohammed Warshanna, D.M.D., agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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 as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having consulted with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order and understand its effect.

12-13-2019

Date



Mohammed Warshanna, D.M.D.  
*The Respondent*

**NOTARY**

STATE OF Maryland  
CITY/COUNTY OF: Prince Georges

I HEREBY CERTIFY that on this 13<sup>th</sup> day of February 2019, before me, a Notary Public of the State and County aforesaid, personally appeared Mohammed Warshanna, D.M.D., and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.



Notary Public

My commission expires: 4/18/2020