

IN THE MATTER OF	*	BEFORE THE MARYLAND
ERMIAS A. SEMAIE, DDS, RDH	*	STATE BOARD OF
Respondent	*	DENTAL EXAMINERS
License Numbers: 16442 & 6584	*	Case Number: 2018-233
* * * * *	*	* * * * *

**CONSENT ORDER**

On or about March 20, 2019, the Maryland State Board of Dental Examiners (the “Board”) notified **ERMIAS A. SEMAIE, D.D.S., R.D.H.** (the “Respondent”) of the Board’s intent to revoke his licenses to practice dentistry and dental hygiene in the State of Maryland, License Number 16442 (Dental) and License Number 6584 (Dental Hygienist), 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 seq.*

The pertinent provisions of the Act include:

**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; [and]

(b) *License to practice dental hygiene.* – Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general

license to practice dental hygiene, a teacher's license to practice dental hygiene, or a temporary license to practice dental hygiene to any applicant, reprimand any licensed dental hygienist, place any licensed dental hygienist on probation, or suspend or revoke the license of any licensed dental hygienist, if the applicant or licensee:

- (3) Behaves unprofessionally or in a grossly immoral way, or violates a professional code of ethics pertaining to the dental hygiene profession[.]

On or about June 19, 2019, a Case Resolution Conference (CRC) was held at the Board's offices. Following the CRC, the Respondent agreed to enter into this Consent Order to resolve the Notice.

### FINDINGS OF FACT

The Board finds the following facts.

#### **I. BACKGROUND**

1. At all times relevant, the Respondent was licensed to practice dental hygiene in the State of Maryland. The Respondent was initially licensed to practice dental hygiene in Maryland on or about May 23, 2012, under License Number 6584. The Respondent's dental hygienist license expired on June 30, 2018.

2. Subsequent to the time of the incident giving rise to these charges, the Respondent became licensed to practice dentistry in the State of Maryland. The Respondent was initially licensed to practice dentistry in Maryland on or about June 11, 2018, under License Number 16442. The Respondent's dental license is current through June 30, 2020.

3. At the time of the incident giving rise to these charges, the Respondent was employed with a temporary staffing agency (the “Staffing Agency”)<sup>1</sup> as a dental hygienist assigned to provide dental hygiene services at a dental practice (the “Dental Practice”) located in Rockville, Maryland.

## **II. THE COMPLAINT**

4. On or about May 21, 2018, the Board received a complaint from the owner of the Dental Practice (the “Owner”), which alleged the Respondent inappropriately touched a patient (the “Patient”) during treatment on May 11, 2018. The complaint further alleged that later that day, after the Patient left the Dental Practice, the Respondent asked the Patient out for lunch. The Owner stated that the Patient filed a report with the police as well.

5. The Owner attached several documents to the complaint including a written statement by the Patient dated May 11, 2018, and a copy of the text message sent from the Respondent to the Patient.

6. After receiving the complaint, the Board initiated an investigation.

## **III. BOARD INVESTIGATION**

7. As part of its investigation, the Board subpoenaed the police report for the incident and conducted interviews.

8. According to the Patient’s written statement, police interview and Board interview, she had an appointment at the Dental Practice at 11:30 a.m. for a teeth cleaning.

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<sup>1</sup> To protect confidentiality and privacy, the names of individuals and health care facilities will not be identified by name in this document. The Respondent may obtain the identity of all individuals/entities referenced herein by contacting the assigned administrative prosecutor.

The Patient reported while the Respondent cleaned her teeth she felt “very uncomfortable” because the cleaning “lasted longer than usual” during which time the Respondent’s “forearm was on [her] right breast and he was massaging it in [a] circular motion repeatedly” for approximately three to five minutes, and she “kept hearing deep breathing” from the Respondent. The Patient further reported that the Respondent continued this behavior for approximately three to five minutes before the Patient asked for suction and repositioned her arms to cover her breasts. Finally, the Patient reported that after she left the Dental Practice she received a text message from the Respondent asking her to go to lunch with him.

9. According to the copy of the text message attached to the complaint, the Respondent<sup>2</sup> sent a text message to the Patient at 12:16 p.m. stating, “Hey [Patient], this is Ermias. I just cleaned your teeth. I was going to ask for your number but I was shy so I got it from here lol. I’m actually going to lunch now. Do you wanna [*sic*] grab lunch together?”

10. The Patient also stated that her conversation with the Respondent at the Dental Practice did not include any discussions regarding the Patient meeting the Respondent after he cleaned her teeth, nor did she provide the Respondent with her personal telephone number. The Patient further stated that after she received the text message from the Respondent asking her to go to lunch with him, and after the office manager told the Respondent he was being sent home early due to the Patient’s

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<sup>2</sup> The telephone number on the text message matches the telephone number listed in the Board’s licensure database for the Respondent. The Respondent also confirmed in his interview with the Board’s investigator that the telephone number on the text message is his number.

allegations, the Respondent again tried to contact the Patient, but she refused to answer his telephone calls.

11. The Board's investigation revealed no other complaints, investigations, or allegations of misconduct during the Respondent's licensure as a Dental Hygienist or since being licensed as a Dentist. The investigation further revealed that since June 2018 when the Respondent was licensed as a dentist, the Respondent has worked full-time as a dentist and has received no complaints of any kind.

12. On or about July 20, 2018, the Board's investigator interviewed the Respondent under oath, during which:

- a. The Respondent confirmed his personal cellphone number was the same number listed in the Board's licensure database, and the same number listed on the text message sent to the Patient which was attached to the complaint.
- b. The Respondent stated that while he cleaned the Patient's teeth they discussed his impending graduation and his desire to open his own dental practice. The Respondent stated that when he told the Patient he had to gain experience and learn the business aspect of running a dental practice before he opens his own practice.
- c. The Respondent admitted that after the Patient left the Dental Practice, he looked through the schedule and located the Patient's contact information and asked the Patient to lunch "to discuss what she was in business, what she does, trying to see if I can learn a thing or two."
- d. The Respondent further admitted that when he returned from lunch, the office manager told him that the Patient made the allegations against him. He stated he then called the Patient "to basically hear from her is this true" but she did not pick up.
- e. The Respondent admitted that he contacted the Patient more than once on May 11, 2018—once by text message and once by a telephone call.
- f. Finally, the Respondent denied that he made contact with the Patient's breast or any other part of her body during the cleaning.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's conduct with respect to the Patient, as described above, constitutes: behaving dishonorably or unprofessionally, or violating a professional code of ethics pertaining to the dentistry profession, in violation of Health Occ. § 4-315(a)(16); and behaving unprofessionally or in a grossly immoral way, or violating a professional code of ethics pertaining to the dental hygiene profession, in violation of Health Occ. § 4-315(b)(3).

### ORDER

Based on the foregoing, it is by the Board hereby:

**ORDERED** that the Respondent's licenses to practice dentistry and dental hygiene in the State of Maryland, License Number 16442 (Dental) and License Number 6584 (Dental Hygienist), are hereby **SUSPENDED** for a period of **THIRTY (30) DAYS**; and it is further

**ORDERED** that the Respondent is placed on **PROBATION** for a minimum period of **TWO (2) YEARS**, subject to the following terms and conditions:

1. The Respondent is fined in the amount of one thousand dollars (\$1000), due within two years;
2. Within thirty (30) days, the Respondent shall, at his own expense, shall enroll in the Dentist Well-Being Committee. The Respondent shall adhere to all requirements and follow the recommendations of the Dentist Well-Being Committee. Failure to adhere to the requirements or follow the recommendations of the Dentist Well-Being Committee shall constitute a violation of the Consent Order;

3. Within six (6) months of the date of this Consent Order, the Respondent shall successfully complete a Board-approved in-person course(s) in professional boundaries, equivalent to four (4) continuing education credit hours, which may not be applied toward his license renewal;
4. Within six (6) months of the date of this Consent Order, the Respondent shall successfully complete a Board-approved in-person course(s) in professional ethics, equivalent to two (2) continuing education credit hours, which may not be applied toward his license renewal;
5. The Respondent shall, at all times, practice dentistry in accordance with the Act;
6. The Respondent is prohibited from evaluating or treating female patients without a chaperone;
7. The Respondent must keep the Board apprised of any and all locations where he practices dentistry, and must alert the Board to any change in his employment location within seven (7) calendar days of such change;
8. The Respondent shall provide a complete copy of this Consent Order to his current employer within seven (7) days of the effective date of this Consent Order; and shall present this Consent Order to any and all future employers or prospective employers before commencing such employment, including and temporary or *ad hoc*, *locum tenens*, or informal practice arrangement;

**AND IT IS FURTHER ORDERED** that after the conclusion of the two (2) 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, 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

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

July 8, 2019  
Date

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



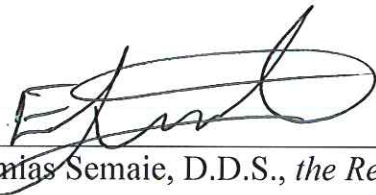
CONSENT

I, Ermias Semaie, D.D.S., acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this 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.

6/28/19  
Date

  
Ermias Semaie, D.D.S., *the Respondent*

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Prince Georges

I HEREBY CERTIFY that on this 28 day of June,

2019, before me, a Notary Public of the foregoing State and City/County personally appear Ermias Semaie, 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.

  
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Notary Public

My commission expires:

