

IN THE MATTER OF	*	BEFORE THE MARYLAND
JOSEPH LEE DYSON, JR., D.D.S.	*	STATE BOARD OF DENTAL
RESPONDENT	*	EXAMINERS
LICENSE NUMBER: 8597	*	CASE NUMBERS: 2011-137

* * * * *

PRE-CHARGE CONSENT ORDER

On July 24, 2015, the State Board of Dental Examiners (the "Board") summarily suspended the license of Joseph Lee Dyson, Jr. D.D.S., DOB: 10/04/1958 ("the Respondent"), license number: 8597, to practice dentistry under the Maryland Dentistry Act, (the "Act") Md. Health Occ. ("H.O.") Code Ann. §§ 4-101 *et seq.* (Repl. Vol. 2009), concluding that the public health, safety and welfare imperatively required emergency action pursuant to Md. State Gov't. Code Ann. § 10-226(c)(2).

In lieu of issuing charges against the Respondent and conducting an evidentiary hearing under §§ 4- 315 and 4-318 of the Act, the Board decided to resolve this case against the Respondent by way of this Pre-Charge Consent Order. All parties to this Pre-Charge Consent Order agree that the Board could have charged the Respondent with violating the Act and violating the conditions set forth in the Pre-Charge Consent Order dated December 23, 2014, if there was not a pre-charge resolution. The pertinent provisions of the Act are as follows:

**H.O. § 4-315. Denials, reprimand, 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;
- (30) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control and Prevention's guidelines on universal precautions;

The pertinent regulations provide:

Md. Code Regs. 10.52.11:

.03 Compliance Requirements for an Individual.

An individual who is performing patient care activities shall:

- A. Comply with the principles of universal precautions;
- C. Comply with current professional standards of patient care with regard to disinfection and sterilization of reusable devices used in patient care procedures; including:
 - (2) Properly disposing of needles and other sharps devices.

.05 Compliance Requirements for Health Care Professional with Private Professional Office.

- A. A health care professional who practices in a private professional office shall:
 - (1) Ensure that an individual who performs patient care services in the professional's office:
 - (a) Complies with the principles of universal precautions, [and]

(c) Complies with current professional standards of patient care with regard to disinfection and sterilization of reusable devices used in patient care procedures;

The parties agreed to enter into this Pre-Charge Consent Order as a means of resolving this matter:

FINDINGS OF FACT

The Board finds that

1. The Respondent was and is licensed to practice dentistry in the State of Maryland. The Respondent initially received his license to practice dentistry on or about September 22, 1983.

2. The Respondent's license to practice dentistry expires on June 30, 2017.

3. The Respondent owns and operates a dental practice located in Baltimore, Maryland.

4. On or about October 14, 2014, the Board summarily suspended the Respondent's license to practice dentistry after finding that the Respondent was not in compliance with CDC guidelines.¹

5. On or about December 23, 2014, the Respondent entered into a Pre-Charge Consent Order ("Order") with the Board. The Order required that:

"2. Within **FOUR (4) MONTHS** of the date that the suspension is lifted, the Respondent's Consultant shall conduct an unannounced inspection to re-evaluate the Respondent's current dental office for compliance with CDC guidelines and to train the Respondent and each employee of the office in applying the CDC guidelines to the

¹ The Centers for Disease Control and Prevention (CDC) is a federal agency dedicated to designing protocols to prevent the spread of disease. The CDC has issued guidelines for dental offices which detail the procedures deemed necessary to minimize the chance of transmitting infection both from one patient to another and from the dentist and the dentist's staff to and from patient.

dental practice...”

6. The Order also provided that:

“4. Based on unannounced inspections by the Board or the Respondent’s Consultant, or future investigations of complaints, if the Board makes a finding that the Respondent is not in compliance with CDC guidelines in any office where the Respondent practices dentistry, it shall constitute a violation of this Pre-Charge Consent Order, and it may, in the Board’s discretion, be grounds for immediately suspending the Respondent’s license. In the event that the Respondent’s license is suspended under this provision, he shall be afforded a Show Cause Hearing before the Board to show cause as to why his license should not have been suspended.”

7. On or about April 23, 2015, a Board approved consultant (“Consultant A”)² conducted an unannounced inspection of the Respondent’s dental practice.

8. During the inspection of the Respondent’s dental practice, Consultant A found several CDC violations.

9. Consultant A found the following CDC violations: (1) failure to conduct weekly spore testing; (2) no provisions in operatories for the delivery of effluent water that meets CDC guidelines; (3) failure to wear heavy duty utility gloves when handling contaminated instrument; (4) failure to flush waterlines between patient visits; and (5) failure to wear a mask while disinfecting surfaces.

10. On or about January 12, 2015, the Board received a complaint from the Respondent’s patient, Patient A.

² To ensure confidentiality, names are not used in this document. The Respondent may obtain the names by contacting the Administrative Prosecutor.

11. On or about February 25, 2015, the Board issued a subpoena to the Respondent requesting that he provide the Board with Patient A's dental records.

12. When the Board received Patient A's dental records from the Respondent, Patient A's dental records also included an undeveloped x-ray encrusted with what appeared to be blood. The encrusted x-ray was wrapped in tissue paper that was covered with a blood like substance.

13. In an interview with the Board staff, the Respondent admitted that he had personally submitted Patient A's dental records, including Patient A's x-rays to the Board.

14. The conduct of the Respondent and the conditions of the Respondent's dental practice, as set forth herein, warranted the immediate suspension of the Respondent's license to practice dentistry.

15. The conduct of the Respondent and the conditions of the Respondent's dental practice, as set forth herein, is a violation of the terms and conditions set forth in December 23, 2014 Pre-Charge Consent Order.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent failed to comply with CDC guidelines on universal precautions, in violation of H.O. § 4-315(a)(16),(20), and (30) and Md. Code Regs. Tit., §10.52.11.03 A and C; and .05 A(10(a) and (c). The Board also concludes that the Respondent's violates the terms of his December 23, 2014 Pre-Charge Consent Order.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this **5th** day of **August, 2015**, by a majority of the quorum of the Board, hereby

ORDERED that the suspension of the Respondent's license to practice dentistry shall be **LIFTED**; as it is further

ORDERED that the terms and conditions set forth in the Pre-Charge Consent dated December 23, 2014, are no longer in effect because this order supersedes the previous Pre-Charge Consent Order; and it is further

ORDERED that the Respondent shall be placed on three (3) years of probation, commencing from the date that this Pre-Charge Consent Order is signed by the Board; and it is further

ORDERED that the Respondent shall be subject to unannounced inspections by a Board-assigned CDC Inspector, conducted on a quarterly basis for a period of **TWO (2) YEARS**. During the last year of the Respondent's probationary period only **TWO (2)** unannounced inspections will be required;

ORDERED that the Respondent shall be responsible for the expense of the Board-assigned CDC inspector;

ORDERED that if the Board makes a finding that the Respondent is not in compliance with CDC guidelines in any office where the Respondent practices dentistry based on unannounced inspections by the Board, or future investigations of complaints, it shall constitute a violation of this Pre-Charge Consent Order, and it may, in the Board's discretion, be grounds for immediately suspending the Respondent's license. In the event that the Respondent's

license is suspended under this provision, he shall be afforded a Show Cause Hearing before the Board to show cause as to why his license should not have been suspended.

ORDERED that the Respondent shall take (1) a two hour Board pre-approved ethics course and; (2) a two hour Board pre-approved recordkeeping course. These courses cannot be used to satisfy any continuing education requirements for renewal of his license; and it is further

ORDERED that if the Respondent violates any of the terms or conditions of this Pre-Charge Consent Order, the Board, in its discretion, may immediately suspend the Respondent's license to practice dentistry; and it is further

ORDERED that at the end of the probationary period, the Respondent shall file a written petition to the Board for termination of the probationary status and the removal of any conditions or restrictions that resulted from this disciplinary action, provided that Respondent (1) has satisfactorily fulfilled all the terms and conditions set forth herein, (2) is not in violation of this Pre-Charge Consent Order, and (3) there are no outstanding complaints against the Respondent and, (4) the Respondent has not received any unsatisfactory reports; and it is further

ORDERED that if the Respondent fails to make any such petition, then the probationary period status shall continue indefinitely, subject to the conditions set forth in this Pre-Charge Consent Order; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred under this Pre-Charge Consent Order; and it is further

ORDERED that the effective date of this Pre-Charge Consent Order is the date the Pre-Charge Consent Order is signed by the Board; and it is further

ORDERED that this Pre-Charge Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. General Provisions Code Ann. § 4-1601 *et seq.* (2014).

8/6/2015
Date

Ronald F. Moser DDS
Ronald F. Moser, DDS., President
State Board of Dental Examiners

CONSENT OF JOSEPH L. DYSON, JR., D.D.S.


I, Joseph L. Dyson, Jr., D.D.S., acknowledge that I have elected not to be represented by counsel before entering this Pre-Charge Consent Order. By this Consent and for the purpose of resolving the issues raised in the Summary Suspension Order of July 24, 2015 by the Board and in anticipation administrative charges related thereto, I agree and accept to be bound by the foregoing Pre-Charge Consent Order and its conditions.

I acknowledge the validity of this Pre-Charge 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 Pre-Charge Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that I might have filed after any such hearing.

I sign this Pre-Charge 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 the Pre-Charge Consent Order.

8/6/15.
Date



Joseph L. Dyson, Jr., D.D.S.
Respondent

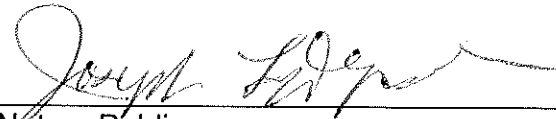
NOTARY

STATE OF MARYLAND

CITY/COUNTY OF BALTIMORE

I HEREBY CERTIFY that on this 6th day of August, 2015 before me, a Notary Public of the State and County aforesaid, personally appeared **Joseph L. Dyson, Jr., DDS.**, and gave oath in due form of law that the foregoing Pre-Charge Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.



Notary Public

My Commission Expires: 8/1/2018

