

IN THE MATTER OF  
DAVID FISHER, D.D.S.  
RESPONDENT

License Number: 13127

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BEFORE THE  
MARYLAND STATE BOARD OF  
DENTAL EXAMINERS  
Case Number: 2005-172

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**ORDER FOR TERMINATION OF PROBATION**

Being satisfied that Dr. David Fisher has complied with the terms and conditions of a Final Order dated May 30, 2006, it is this 18<sup>th</sup> day of April, 2007 hereby **ORDERED** by the Maryland State Board of Dental Examiners that the probation shall be and is **TERMINATED** and that Dr. Fisher's Maryland dental license is without restrictions.

4/23/07  
Date

  
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David A. Williams, D.D.S.  
President - Elect

IN THE MATTER OF	*	BEFORE THE MARYLAND
DAVID M. FISHER, D.M.D.	*	STATE BOARD OF
Respondent	*	DENTAL EXAMINERS
License Number: 13127	*	Case Number: 2005-172

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**FINDINGS OF FACT, OPINION, CONCLUSIONS OF LAW AND ORDER**

Pursuant to the Maryland Dentistry Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") (2005 Replacement Volume) §4-319(a), and Code of Maryland Regulations (COMAR) tit. 10 § 44.07.16, the Maryland State Board of Dental Examiners (the "Board") hereby renders the following final decision and order.

**BACKGROUND**

On or about June 1, 2005 the Board charged David Fisher, D.D.S. ("Respondent"), license number 13127, under the Act, H.O. §§ 4-101 *et seq.* as follows:

**H.O. § 4-315(a)**

(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...reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the ... licensee:

- (11) Permits an unauthorized individual to practice dentistry under the supervision of the...licensee;
- (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession;

- (6) Applying topical anesthesia;
- (7) Placing or removing a rubber dam;
- (8) Etching;
- (9) Curing by the use of a halogen light;
- (10) Fabricating indirect restorations in a dental office;
- (11) Placing or removing a matrix band;
- (12) Drying a root canal;
- (13) Preparing and fitting stainless steel crowns;
- (14) Placing or removing retraction cord;
- (15) Preparing temporary crowns;
- (16) Cementing temporary crowns or restorations;
- (17) Removing temporary crowns;
- (18) Removing excess cement;
- (19) Removing or placing a periodontal dressing (except placing the original periodontal dressing);
- (20) Removing sutures;
- (21) Constructing athletic mouth guards on models; and
- (22) Any other duty approved by the Board.

C. A dentist may not use the services of a dental assistant qualified in general duties to perform any of the following services on the basis that the dental assistant meets the qualifications of §A of this regulation:

- (1) Examination, diagnosis, and treatment planning;
- (2) Surgery on hard or soft tissues;
- (3) Oral prophylactic procedures, including scaling, root planing, and polishing teeth;

## **10.44.19 Dental Radiation Technologist**

### **.06 Prohibitions.**

- B. An individual shall be certified by the Board as a dental radiation technologist before a licensed dentist may employ the individual to practice dental radiation technology.

### **.08 Penalties for Violations of These Regulations.**

- C. A licensed dentist who employs an individual to practice dental radiation technology who is not certified under these regulations is guilty of unprofessional conduct and may be subject to disciplinary action under Health Occupations Article, § 4-315, Annotated Code of Maryland.
- D. A licensed dentist who supervises an individual practicing dental radiation technology who is not certified under these regulations is guilty of permitting an unauthorized individual to practice dentistry under the supervision of that licensed dentist, and may be subject to disciplinary action under Health Occupations Article, § 4-315, Annotated Code of Maryland.

The Board alleges that the Respondent violated the following Code of Ethics provision: American Dental Association, Principles of Ethics and Code of Professional Conduct, § 2.C., which provides:

#### **2. C. USE OF AUXILIARY PERSONNEL.**

Dentists shall be obliged to protect the health of their patients by only assigning to qualified auxiliaries those duties which can be legally delegated. Dentists shall be further obliged to prescribe and supervise the patient care by all auxiliary personnel working under their direction.

In addition, the Board charged that the Respondent violated certain terms and conditions set forth in the Consent Order, dated September 19, 2001, under Case Number 2002-018. The Board alleges that the Respondent violated, among others, the following terms and conditions:

Maryland Dental"). Delaware Maryland Dental is owned and operated by Navid Asgari, D.M.D.

1. The Respondent began practicing in the Salisbury office on a full-time, Monday-through-Friday basis, on or about December 2003. The Respondent took an active role in personnel decisions in the Salisbury office.

2. The Board initiated an investigation of the Respondent based on a complaint, dated July 26, 2004, that was submitted by a former employee (hereinafter the "Complainant") of the Salisbury office of Delaware Maryland Dental. At all times relevant to these charges, the Complainant was employed as a dental assistant certified in dental radiation technology.

3. The Complainant reported that she worked at Delaware Maryland Dental from December 2003 until June 11, 2004, and that during that time, she observed unlicensed dental assistants perform prophylaxis and take dental radiographs without proper certification. The Complainant reported that after witnessing the practices that were occurring at Delaware Maryland Dental, she resigned from her employment there.

4. The Respondent, while practicing in the Salisbury office of Delaware Maryland Dental, permitted and/or directed unqualified dental assistants to perform oral prophylactic procedures.

5. The Respondent, while practicing in the Salisbury office of Delaware Maryland Dental, permitted and/or directed unqualified dental assistants to take dental radiographs without appropriate certification.

request for postponement and after further discussion gave Ms. Diedrich an opportunity to raise matter relative to Ms. Cawley at the conclusion of the testimony. This matter was not raised again.

Svetlana Kovaleva was employed by Delaware Maryland Dental as a dental assistant certified in dental radiation technology beginning in December 2003 until her resignation in June 2004. At the time of hire Ms. Kovaleva interviewed with both the Respondent and Dr. Navid Asgari, the presumed owner of the dental practice. It was her impression that the Respondent was in charge when Dr. Asgari was not in the office. (T. 22 5-21).<sup>1</sup> Initially Ms. Kovaleva worked for Dr. Fisher and after a short while she began to work exclusively for Dr. Martin, another of the dentists employed by Delaware Maryland Dental.

Kimberly Dorn was hired in April 2004 as a dental assistant. At that time Ms. Dorn told Ms. Kovaleva that she was not certified as a Dental Radiation Technologist. In spite of Ms. Dorn's lack of certification, the Respondent and Dr. Asgari asked Ms. Kovaleva to show her how to take x-rays, and how to place and develop film. (T. 24 2-19).

Ms. Kovaleva observed Ms. Dorn and Barbara Wilkins, another dental assistant, take radiographs and both Ms. Kovaleva and Ms. Wilkins observed Ms. Dorn polishing teeth. Ms. Wilkins, like Ms. Dorn, was not certified as a Dental Radiation Technologist. On at least four (4) occasions Ms. Dorn was observed doing polishing for the Respondent. The Respondent would do the initial cleaning followed by Ms. Dorn who would do the polishing on the patient. (T. 26 6-25 27 1-2). Ms. Kovaleva reported to Dr. Martins that the dental assistants

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<sup>1</sup> "T" refers to the transcript in this matter.

those months no one told him that the dental assistants were not certified to take x-rays nor did he observe the Respondent instruct any one to perform a prophylactic procedure. (T. 83). Dr. Hatfield confirmed that Dr. Fisher instructed both Ms. Dorn and Ms. Wilkins to take x-rays. (T. 86).

Dr. Asolabi Martins, another of the Respondent's witnesses, was employed at Delaware Maryland Dental from August of 2003 until May or June of 2004. Dr. Martins told Ms. Schafer that he left Delaware Maryland Dental because he didn't like the way the office was being run. In an apparent contradiction, he testified that the reason he left was to take a better position elsewhere.

According to Dr. Martins, he assumed that the auxiliary staff was properly certified for the functions performed. On direct examination he testified that during his tenure, he worked the same schedule as the Respondent. On cross examination, however, he conceded that he typically worked three (3) days a week and therefore was not in a position to know what transpired the days he was not there. At no time was he told, nor did he observe or hear the Respondent instruct dental assistants to take radiographs or to perform prophylactic procedures. According to Dr. Martins, at no time was he told that dental assistants who were not certified were taking and exposing x-rays and performing prophylaxis. (T. 11, 12 13, 14).

Over the course of his employment by Delaware Maryland Dental, the Respondent's dental assistant was Barbara Wilkins. Ms. Wilkins, testifying for the Respondent, confirmed that her employment at Delaware Maryland Dental

He testifies that he has been in compliance with the WBC contract. The Board from its own knowledge confirms Respondent's compliance with his WBC contract.

Currently the respondent is employed two (2) days a week by a contractor providing dental services at Eastern Correctional Institution in Princess Anne, Maryland and is employed three (3) days a week at Affordable Dentures in Salisbury.

### **FINDINGS OF FACT**

The Board makes the following Findings of Fact:

1. The Respondent has been licensed to practice dentistry in Maryland since December 2001.
2. In December 2003 the Respondent became a fulltime employee of Delaware Maryland Dental.
3. In July of 2004 the Board received a complaint from Svetlana Kovaleva, a former employee in the Salisbury office of Delaware Maryland Dental, regarding the continuous use of unqualified and unauthorized persons performing prophylaxis and, taking and exposing radiographs in the Salisbury office of Delaware Maryland Dental.
4. Svetlana Kovaleva, a certified Dental Radiation Technologist, was employed by Delaware Maryland dental from December 2003 through June 2004.



## OPINION

The Board believes that the Respondent was aware that fellow employees, who were not qualified, were taking and exposing radiographs, and performing prophylaxis. Svetlana Kovaleva's testimony is found by the Board to be entirely credible on these points.

Assuming, arguendo, that the Respondent, who worked a full time schedule, believed the dental assistants were certified to take and expose radiographs, the fact that there were no dental hygienists employed at Delaware Maryland Dental, indicates to the Board, that, his assertions to the contrary, the Respondent knew or should have known that unqualified persons were performing prophylaxis.

An obvious culture of unauthorized practice at the Salisbury office of Delaware Maryland Dental pre-dated Respondent's employment there. This, however, did not obviate his responsibility to take steps to remedy the situation.

The Board finds no basis to support a finding that Respondent violated H.O. § 4-315(a)(20).

The Board, based upon its own knowledge, is aware that Respondent has been, over a period of years, compliant with his WBC contract. The Board views his continuous compliance in the most positive light.

minimum score of 90%, the Board's closed book jurisprudence examination; and it is further

**ORDERED** that the terms and conditions of the Consent Order dated September 19, 2001 remain in effect; and it is further

**ORDERED** that the Respondent shall practice in accordance with the laws and regulations governing the practice of dentistry in Maryland; and it is further

**ORDERED** that Respondent's failure to fully comply with the terms and conditions of this Consent Order shall be deemed a violation of Probation and of this Consent Order and Respondent may be subject to additional charges by the Board; and it is further

**ORDERED** that the Respondent may not petition the Board for termination of his probationary status prior to December 31, 2006; and it is further

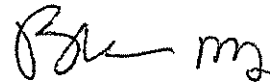
**ORDERED** that the Respondent shall be responsible for all hearing costs incurred by the Board; and it further

**ORDERED** that Respondent shall be responsible for all costs incurred under this Consent Order; and it is further

**ORDERED** that this document is a public record, pursuant to Md. Code Ann., State Gov't Article, § 10-611 *et seq.* (2004 & Supp. 2005).

8/30/06

Date



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Barry D. Lyon, D.D.S.  
Secretary / Treasurer

IN THE MATTER OF	*	BEFORE THE MARYLAND
David M. Fisher, D.M.D.	*	STATE BOARD OF
Respondent	*	DENTAL EXAMINERS
	*	Case Number: 2002-018

\* \* \* \* \*

**CONSENT ORDER**

**PROCEDURAL BACKGROUND**

The Maryland State Board of Dental Examiners (the "Board"), on July 11, 2001, voted to consider issuing a Notice of Intent to Deny Licensure to David M. Fisher, D.M.D. ("Respondent"), under the Maryland Dentistry Act (the "Act"), MD. CODE ANN., HEALTH OCC. ("H.O.") §§ 4-315(a)(2), (4), (5), (7), (16), (19) and (23) (2000). The pertinent provisions of the Act provide the following:

(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...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:

- (2) Fraudulently or deceptively uses a license;
- (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (5) Provides professional services while:
  - ...
  - (ii) Using any narcotic or controlled dangerous substance, as defined in Article 27 of the Code, or other drug that is in excess of therapeutic amounts or without valid medical indication;
- (7) Has had a license to practice dentistry revoked or suspended in any other state;

- (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession;
- (19) 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
- (23) Abrogates or forgives the copayment provisions of any insurance policy, insurance contract, health prepayment contract, health care plan, or nonprofit health service plan contract by accepting the payment received from a third party as full payment, unless the dentist discloses to the third party that the patient's payment portion will not be collected.

On the same date, the Board voted to offer Respondent the opportunity to enter into this Consent Order in lieu of a Notice of Intent to Deny being issued.

#### FINDINGS OF FACT

1. At all times relevant hereto, Respondent was the holder of license numbers DS-022438-L and DP-022438-A, issued by the Pennsylvania State Board of Dentistry, authorizing the Respondent to practice dentistry in the State of Pennsylvania.
2. On or about February 13, 2001, Respondent filed a written Dental Application for Licensure by examination with the Maryland Board.
3. Respondent answered "Yes" to the following questions on the application: "Have you ever pled guilty, nolo contendere, or been convicted of or received probation before judgment, of any criminal act (excluding traffic violations)?; Has your license to practice in any jurisdiction been the subject of an investigation?; and, Has your

license to practice in any State or other jurisdiction been the subject of disciplinary action?"

4. The Board has subsequently learned that on or about February 3, 1999, Respondent was charged by Police Criminal Complaint and Affidavit of Probable Cause by the Shamokin City Police Department and Pennsylvania Attorney General in District Justice Court 08-3-03 in Shamokin, Pennsylvania, and subsequently by Information filed on or about March 29, 1999, by the District Attorney of Northumberland County, in the Court of Common Pleas of Northumberland County, at Docket Number CR-99-223, with prescription of a controlled dangerous substance by a practitioner not in good faith, not within the scope of the patient relationship, not in accordance with accepted treatment principles, specifically of the drugs percocet and tylenol #4 with codeine, among other controlled dangerous substances such as hydrocodone and valium; in violation of Section 13(a)(14) of the Controlled Substance, Drug, Device and Cosmetic Act, the act of April 14, 1972 (P.L.233, No.64), as amended, 35 P.S. §780-113(a)(14) ("Drug Act") (Count 3).
5. On or about May 15, 2000, in the Court of Common Pleas of Northumberland County, Pennsylvania, Respondent pleaded nolo contendere to Count 3 of the violation described in paragraph 4 above.
6. On or about August 30, 2000, Respondent was sentenced to a period of probation of four (4) years from August 30, 2000, and ordered to pay the costs of prosecution, and a fine in the amount of seven hundred fifty dollars (\$750.00) to the

- Collector of Court Costs, in addition to the imposition of other terms and conditions of probation.
7. Certified copies of the Police Criminal Complaint and Affidavit of Probable Cause, Information, Entry of Nolo Contendere Plea, and Sentencing Order are attached hereto and incorporated herein as Exhibits 1,2,3, and 4, respectively.
  8. Percocet is a controlled dangerous substance which contains oxycodone, derived from the opium alkaloid thebaine, which is a Schedule II narcotic controlled substance, and tylenol #4 (codeine with acetaminophen), is an alkaloid obtained from opium or prepared from morphine, which is a Schedule III narcotic controlled substance.
  9. Convictions under Section 13(a)(14) of the Drug Act, 35 P.S. §780-113(a)(14), involving any controlled substance classified in Schedules II or III, are felonies under Section 13(f)(2) of the Drug Act (35 P.S. §780-113(f)(2)).
  10. Section 5.1 of the Pennsylvania Dental Law, Act of May 1, 1933, (P.L. 216, No. 76), as amended, (63 P.S. §124.1) provides in part: "A license or certificate under this Act shall automatically be suspended upon...conviction of a felony under the act of April 14, 1972 (P.L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act,"... As used in this section the term "conviction" shall include a judgment, an admission of guilt, or a plea of nolo contendere... ."
  11. Based upon Respondent's conviction, Respondent's Pennsylvania license to practice dentistry was suspended by the Pennsylvania State Board of Dentistry on October 10, 2000.

12. On or about November 13, 1998, Respondent entered into a monitoring agreement with the Physicians Health Programs ("PHP") in the Commonwealth of Pennsylvania.
13. Respondent has been monitored by the PHP since November 13, 1998 and has been in stable recovery from chemical dependence since that time.

### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that Respondent committed prohibited acts under Md. Code Ann., Health Occ. ("H.O.") §§ 4-315 (a)(2), (4), (5), (7), (16), (19) and (23) (2000).

### ORDER

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

**ORDERED** that within thirty (30) days of the effective date of this Consent Order, Respondent shall be evaluated by Ellen McDaniel, M.D. Dr. McDaniel shall receive a copy of this Consent Order, all previous substance abuse treatment records, physician treatment records, employment records and any other material in the Board's file, at the discretion of the Board. Respondent shall allow Dr. McDaniel to submit a written report to the Board regarding Respondent's evaluation, to include her recommendations regarding Respondent's ability to safely practice dentistry in the State of Maryland and her recommendations if any, for substance abuse treatment and other psychological and/or psychiatric treatment; and it is further

**ORDERED** that if Dr. McDaniel determines that Respondent can safely practice dentistry, the Board shall issue a License to Practice Dentistry in the State of Maryland upon his successful completion of the Maryland Law Examination; and it is further

**ORDERED** that Respondent shall be placed on PROBATION for a period of FIVE (5) YEARS from the date of licensure subject to the following terms and conditions:

1. Respondent shall comply with any treatment recommendations of Dr. McDaniel, in harmony with the recommendations of Respondent's treating physicians, including but not limited to recommendations for substance abuse treatment and other psychiatric and/or psychological treatment. Should Dr. McDaniel recommend ongoing treatment, Respondent shall commence within five (5) days of the date of the report, treatment with a Board-approved substance abuse program and with any other Board-approved treatment provider/program recommended by Dr. McDaniel. Respondent shall arrange for the substance abuse treatment provider and any other treatment providers to submit written reports to the Board and the Dental Well-Being Committee on a monthly basis regarding Respondent's attendance and treatment progress. Should the treating therapists recommend discharge of Respondent prior to the termination date of the five (5) year probationary period, Dr. McDaniel shall re-evaluate Respondent and shall report to the Board what, if any, treatment gains Respondent has achieved. The Board shall consider any further recommendations for treatment or counseling that Dr. McDaniel or the treating therapist advises and adopt any such recommendations, at its discretion. Should the Board adopt any or all of Dr. McDaniel's or the treating therapist's recommendations that Respondent receive further treatment, Respondent shall be so notified, and upon



request be given an opportunity to be heard, and shall comply with those recommendations.

2. Respondent shall enter into a treatment contract and urine/toxicology monitoring contract with the Dental Well-Being Committee and any other Board-approved treatment provider within ten (10) days of the effective date of this Consent Order and fully comply with all the terms and conditions of the treatment and urine/toxicology monitoring contracts. Respondent shall maintain and abide by all the terms of the treatment and urine/toxicology monitoring contracts for at least the five (5) year period from the effective date of this Consent Order. Respondent shall comply with any and all supplemental contracts he enters into with the Dental Well-Being Committee and other Board-approved treatment providers. The Board shall have authority to add further conditions and terms, if deemed necessary. Any changes in Respondent's contracts with the Well-Being Committee and other treatment programs shall be approved by the Board.

3. Respondent shall attend and actively participate in any support group programs recommended by the Well-Being Committee and/or the substance abuse treatment program at the frequency recommended by the support group provider, but no less than three (3) times per week. Respondent shall provide written verification of attendance from the support groups to the Dental Well-Being Committee on at least a monthly basis or as otherwise directed. Modifications as to frequency of meetings may be made to allow for Respondent to travel out of state as approved by the Dental Well-Being Committee.

4. Respondent shall completely abstain from the use of controlled substances, mood altering drugs or drugs of abuse, including narcotic analgesics and alcoholic beverages, in any form except under the following conditions:

(a) Respondent is a bona fide patient of a licensed health care practitioner who is aware of Respondent's treatment contracts and urine/toxicology monitoring Contract and the terms of this Consent Order;

(b) Such medications are lawfully prescribed by Respondent's treating practitioner and approved by the substance abuse treatment facility and other treatment providers;

(c) Respondent provides the Board, the Well-Being Committee and the substance abuse treatment facility, and the Board-approved treatment providers within seventy-two (72) hours of receiving the medication, the name of the practitioner prescribing the drug, the illness or medical condition diagnosed, the type, strength, amount and dosage of the medication and a signed statement consenting to the release of the medical information from the prescribing practitioner to the Board, the Well-Being Committee and the treatment providers for the purpose of verification.

5. Respondent shall be required to submit to random monitored urinalysis/toxicology screens as recommended by the Well-Being Committee and/or the substance abuse treatment providers, but not less than two (2) times per week for the five (5) year duration of this Consent Order. Respondent shall get his random monitored urine/toxicology tests at a facility or laboratory approved by the Board:

(a) Respondent shall submit, when requested, to additional monitored, unannounced and observed urinalysis/toxicology screens by the Well-Being Committee, substance abuse treatment providers or the Board for the detection of prohibited substances, within twenty-four (24) hours after a request is made;

(b) A positive result on a urinalysis/ toxicology screening shall constitute an irrefutable violation of Probation and of this Consent Order unless Respondent has complied with the provisions of the above Paragraph four (4) of this Consent Order and the result is positive for the lawfully prescribed medication. Failure to provide a specimen when requested by the Well-Being Committee, substance abuse treatment providers or the Board will be considered a positive result;

(c) Respondent shall supply the Board with a copy of each and every urinalysis/toxicology report on a monthly basis. Failure to directly supply the Board with a copy of all urinalysis/toxicology reports shall be a violation of this Consent Order.

6. Respondent shall be prohibited from prescribing, dispensing or administering any scheduled controlled substances in Maryland. The prohibition shall be for a two (2) year period. At the conclusion of the two year period, Respondent may petition the Board for the right to prescribe, dispense or administer scheduled controlled substances in Maryland and the Board will consider the petition with the recommendations by the Well-Being Committee and/or the substance abuse treatment providers; and be it further

**ORDERED** that Respondent's execution of this Consent Order shall constitute a release of any and all medical health related reports, substance abuse treatment records,

and psychological/psychiatric records pertaining to Respondent to the Board, the Well-Being Committee and to the substance abuse treatment program and other treatment providers. Further, Respondent agrees and consents to the release by the Board, the Well-Being Committee and all treatment providers of any information or data produced as a result of this Consent Order to any treatment provider; and be it further

**ORDERED** that Respondent shall at all times cooperate with the Board, any of its agents or employees, and with the Well-Being Committee and other treatment providers, and their agents and employees, in the monitoring, supervision and investigation of Respondent's compliance with the terms and conditions of this Consent Order, including Respondent causing to be submitted at his own expense written reports, records and verifications of actions that may be required by the Board, the Well-Being Committee and/or the treatment providers or any of their agents or employees; and be it further

**ORDERED** that Respondent's failure to fully comply with the terms and conditions of this Consent Order hereby imposed shall be deemed a violation of Probation and of this Consent Order, and Respondent may be subject to additional charges by the Board of Dental Examiners; and be it further

**ORDERED** that Respondent's failure to fully cooperate with and successfully complete the terms of the treatment and urine/toxicology monitoring contracts and any other treatment contracts or agreements shall be deemed a violation of Probation and of this Consent Order; and be it further

**ORDERED** that Respondent shall comply with the Maryland Dentistry Act and regulations. Failure to do so shall constitute a violation of Probation and of this Consent

Order, as well as subject Respondent to further disciplinary action by the Board; and be it further

**ORDERED** that Respondent shall obey all laws of the United States, the State of Maryland and its political subdivisions. A guilty verdict or probation before judgment sentence for any crime other than the verdict which resulted in this Consent Order, except minor traffic offenses not involving drugs or alcohol, shall constitute a violation of this Consent Order, for which the Board may impose any penalty it deems appropriate; and be it further

**ORDERED** that if Respondent violates any of the terms of this Consent Order, the Board may immediately SUSPEND Respondent's license without either prior notice or and opportunity to be heard, provided that Respondent is given the opportunity for a show cause hearing before the Board at the next scheduled meeting of the Board and after notice and a hearing, and a determination of violation, the Board may impose any other disciplinary sanctions it deems appropriate, including but not limited to revocation or suspension, said violation being proved by a preponderance of the evidence; and be it further

**ORDERED** that pursuant to MD. CODE ANN., STATE GOV'T §10-226(c) Respondent is subject to summary suspension if an investigation indicates to the Board that there is a substantial likelihood of a risk of serious harm to public health, safety or welfare by Respondent; and be it further

**ORDERED** that **FIVE (5) YEARS** after the date of this Consent Order, Respondent may petition the Board for termination of his probationary status without any conditions or

restrictions whatsoever. If Respondent has satisfactorily complied with all conditions of probation, including the full five (5) year period of probation, and there are no outstanding complaints regarding Respondent, the Board may terminate the probation; and be it further

**ORDERED** that Respondent shall be responsible for all costs incurred under this Consent Order; and be it further

**ORDERED** that this Consent Order is a Public Document as defined in MD. CODE ANN., STATE GOV'T §10-611 et seq.

9/19/01

Date

Betty J. Howard, R.D.H.

Betty J. Howard, R.D.H.  
President

Maryland Board of Dental Examiners

**CONSENT**

I, David M. Fisher, D.M.D., by signing this Consent agree to be bound by the terms and conditions of the foregoing Consent Order. I acknowledge that I have read this Consent Order and that I have been notified of my right to consult with an attorney in the course of the Board's proceedings.

I further acknowledge that, by signing this Consent Order, I admit to the findings of fact and conclusions of law contained herein. By signing this Consent Order, I waive my right to contest the terms and findings herein and all challenges legal or otherwise to the proceedings before the Board.

I acknowledge the enforceability of this Consent Order as if it were made after a formal evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other procedural protections to which I am entitled by law. I also recognize that I am waiving my right to

appeal any adverse ruling of the Board that might have followed any such hearing and am also waiving any other legal remedies I may have regarding resolution of matter.

I have had the opportunity to review this Consent Order and sign it voluntarily, understanding its terms, meaning and effect.

8/23/2001  
Date

David M. Fisher D.M.D.  
David M. Fisher, D.M.D.  
Respondent

**NOTARY**

STATE OF PA

CITY/COUNTY OF North'd

I HEREBY CERTIFY that on this 23<sup>rd</sup> day of August, 2001, before me, Notary Public of the State and City/County aforesaid, personally appeared David M. Fisher, D.M.D., and made oath in due form of law that the foregoing Consent was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Marianne C. Moyer  
Notary Public

My Commission Expires: \_\_\_\_\_

Notarial Seal  
Marianne C. Moyer, Notary Public  
Shamokin, Northumberland County  
My Commission Expires Nov. 14, 2004

Member, Pennsylvania Association of Notaries