

IN THE MATTER OF
SUZANNE H. KIM, D.D.S.

Respondent

License Number: 11372

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BEFORE THE MARYLAND
STATE BOARD OF
DENTAL EXAMINERS

Case Number: 2007-034

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CONSENT ORDER

On February 21, 2007, the Maryland State Board of Dental Examiners (the "Board") charged SUZANNE H. KIM, D.D.S. ("Respondent"), date of birth: 1/30/60, license number: 11372, under the Maryland Dentistry Act, Md. Health Occ. ("H.O.") Code Ann. §§ 4-101 *et seq.* (2005 & Supp. 2006) for violations of § 4-315(a). The pertinent provisions of H.O. § 4-315(a) and those under which the charges were brought, are as follows:

(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:

- (6) Practices dentistry in a professionally incompetent manner or in grossly incompetent manner;
- (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession; and
- (28) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control's guidelines on universal precautions.

As a result of improvements in her practice, and as a result of negotiations with the Office of the Attorney General, by Kimberly S. Cammarata, Assistant Attorney

General, the Respondent, by D. Elizabeth Walker, Esquire and John Murphy, Esquire and the Board, the parties agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order, and with the terms and conditions set forth herein.

FINDINGS OF FACT

1. The Respondent is, and at all times relevant to the charges, was licensed to practice dentistry in the State of Maryland, initially receiving her license on May 16, 1994.
2. On or about August 28, 2006, the Board received a complaint from a patient of the Respondent alleging unprofessional conduct of the Respondent and allegations, which if true would be violations of infection control guidelines. The Board referred the complaint to its investigative unit.
3. On or about October 12, 2006, Board investigators conducted an unannounced inspection of the Respondent's office to observe infection control practices of the office. As part of the inspection the Respondent was asked to provide evidence that the autoclave is spore tested on a weekly basis. The Respondent advised that she had not spore tested her autoclave in approximately two years. Records revealed that the autoclave was last spore tested in June of 2001.
4. The investigators also noted that heavy duty gloves were not available in the office for cleaning of the operatory or scrubbing of instruments. They observed the dental assistant clean the operatory wearing regular latex gloves wearing a short sleeved lab coat. She also hand-scrubbed contaminated instruments wearing regular latex gloves.

5. The bio-hazardous waste bin was directly next to the regular waste bin which could easily result in cross-contamination.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds that the Respondent violated H.O. § 4-315(a)(6), (16) and (28) which provide:

(6) Practices dentistry in a professionally incompetent manner or in a grossly incompetent manner;

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

(28) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control's guidelines on universal precautions.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is by the Maryland State Board of Dental Examiners, hereby:

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that the Respondent shall be subject to the following conditions:

1. The Respondent shall have a Board-approved CDC consultant conduct one (1) unannounced CDC inspection of the Respondent's office within one (1) year from the date of this Consent Order. The inspector shall provide a report to the Board regarding the findings within ten (10) days of the inspection.

2. The Respondent shall be subject to random, unannounced inspections by the Board or its representative(s) at any time during the duration of this Consent Order.

3. A finding by the Board indicating that the Respondent or her practice is not in compliance with the CDC guidelines shall constitute a violation of this Order and may, in the Board's discretion, be grounds for charging the Respondent under the Act or for immediately suspending the Respondent's license. In the event that the Respondent's license is suspended under this provision, she shall be afforded a Show Cause Hearing before the Board to show cause as to why her license should not be suspended or should not have been suspended; and it is further


ORDERED that the Respondent shall at all times cooperate with the Board and any of its agents or employees 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 one (1) year from the effective date of this Order, the Respondent may petition the Board for termination of the Order. If the Respondent has satisfactorily complied with all conditions of the Order, and there are no outstanding complaints regarding the Respondent, the Board may terminate the Order; and it is further

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

ORDERED that this Consent Order is PUBLIC DOCUMENT as defined in Md. State Gov't Code Ann. §§ 10-611 *et seq.* (2004).

4-18-07
Date of Consent Order


James P. Goldsmith, D.M.D.
President
Maryland State Board of Dental Examiners

CONSENT

I, **SUZANNE H. KIM, D.D.S.**, License No. 11372, by affixing my signature hereto, acknowledge that:

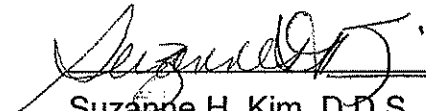
1. I have had the opportunity to consult with counsel, D. Elizabeth Walker, Esquire, before signing this document.
2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 4-318 (2005 & Supp. 2006) and Md. State Gov't. Code Ann. §§10-201 *et seq.* (2004).
3. I acknowledge the validity of this Consent Order as if entered into after 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 law.
4. I voluntarily consent to the foregoing Findings of Fact, Conclusions of Law and Order, provided that the Board adopts the foregoing Consent Order in its entirety. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this

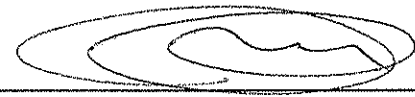
Consent Order as set forth in § 4-318 of the Act and Md. State Gov't. Code Ann. §§ 10-201 et seq. (2004).

5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order I may be subject to disciplinary action, which may include revocation of my license to practice dentistry in the State of Maryland.

6. I sign this Consent Order without reservation as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

4/4/07
Date


Suzanne H. Kim, D.D.S.

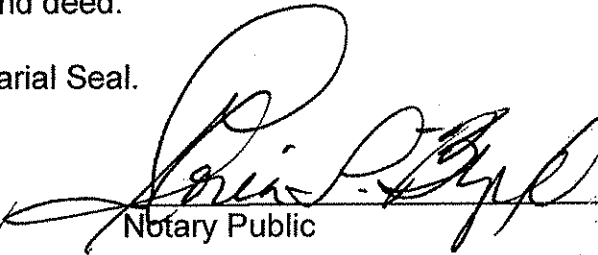

Reviewed and approved by: John Murphy, Esquire

NOTARY

STATE OF Maryland
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY THAT on this 4th day of April, 2007, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared Suzanne H. Kim, D.D.S., and made oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

My Commission Expires: 4/1/08

Notary Public