

IN THE MATTER OF	*	BEFORE THE MARYLAND
SUZANNE E. FOHL, D.D.S.	*	STATE BOARD OF
Respondent	*	DENTAL EXAMINERS
License Number: 11531	*	Case Number: 2005-268
* * * * *	*	* * * * *

CONSENT ORDER

On July 18, 2007, the Maryland State Board of Dental Examiners (the "Board") charged SUZANNE E. FOHL, D.D.S. ("Respondent"), date of birth: 9/7/65, license number: 11531, 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:
- (11) Permits an unauthorized individual to practice dentistry under the supervision of the applicant or licensee;
 - (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession; and
 - (18) Violates any rule or regulation adopted by the Board[.]

The regulations violated by the Respondent are: Md. Regs. Code ("COMAR") tit. 10, §§ 44.01.06 and 08A and 44.19.07B and .11C and D which provide:

10.44.01.06 Radiographs.

A dentist may not permit a dental assistant to place and expose radiographs unless the dental assistant is a dental assistant certified to practice dental radiation technology.

10.44.19 Dental Radiation Technologist

.07 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.

.11 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.

10.44.01.08A Penalties for Violations of These Regulations.

A dentist who uses the services of a dental assistant who is not qualified or for purposes other than what is permitted may be found guilty of unprofessional conduct under the Health Occupations Article § 4-315(a)(16), Annotated Code of Maryland, or violating any rule or regulation adopted by the Board under Health Occupations Article, § 4-315(a)(18).

The Code of Ethics provision violated by the Respondent is: 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.

As a result of negotiations with the Office of the Attorney General, by Kimberly S. Cammarata, Assistant Attorney General and the Respondent, by D. Elizabeth Walker, Esquire, the Respondent 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 these charges, was licensed to practice dentistry in the State of Maryland, initially receiving her license on September 9, 1993.
2. On or about June 17, 2005, the Board received a complaint from a prior employee of the Respondent, H.H.,¹ who alleged that the Respondent required her to take patient radiographs and that she was not certified to do so. She further advised that the Respondent acted unprofessionally toward her berating her, often in front of patients.
3. The Board referred the complaint to its investigative unit.
4. The Board's investigation revealed that H.H. took radiographs of patients at the Respondent's direction. The Respondent was aware that H.H. was not certified by the Board to take radiographs. When H.H. protested, the Respondent taught her how to

¹ For confidentiality purposes, the employee names are not revealed in this document.

take the radiographs and advised her that she was required to do so as a condition of employment.

5. The investigation also revealed that the Respondent frequently berated H.H. in front of patients.

6. On another occasion the Respondent threw dirty instruments at H.H.

7. Another employee, M.S., advised that the Respondent required H.H. to take radiographs despite H.H.'s protests and that the Respondent berated H.H. and M.S.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated H. O. § 4-315(a)(11), (16) and (18) which provide:

(11) Permits an unauthorized individual to practice dentistry under the supervision of the applicant or licensee;

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

(18) Violates any rule or regulation adopted by the Board[.]

The Board further finds that the Respondent violated the regulatory provisions and Code of Ethics provision as charged.

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 hereby **REPRIMANDED**; and it is further

ORDERED that the Respondent is placed on **PROBATION** for a period of ONE (1) YEAR from the date this Order is signed by the Board, subject to the following conditions:

1. Pro Bono Community Service Dentistry

a. The Respondent shall perform, without remuneration, forty (40) hours of *pro bono* community service dentistry as proposed by the Respondent and approved by the Board.

b. Upon completion of the forty (40) hours of *pro bono* community service dentistry required, the Respondent shall file a written report with the Board that verifies that the Respondent performed the *pro bono* community service dentistry without remuneration, and which describes with particularity the professional services performed.

c. If requested by the Board, the Respondent shall make available for the Board, or its designee, all records of treatment for each patient for whom *pro bono* dentistry was performed.

2. Donation

a. The Respondent shall make an anonymous donation in the amount of One Thousand Five Hundred Dollars (\$1500.00), payable within six (6) months from the date this Order is signed by the Board, to the Maryland Foundation of Dentistry for the Handicapped, the People's Community Health Clinic, Montgomery County Colesville Adult Dental Clinic, or other Board approved charitable entity.

b. The Respondent shall submit a copy of the letter transmitting the anonymous donation and payment confirmation (e.g. carbon copy of money order or certified check) to the Board within sixty (60) days of the date of the donation.

3. Maryland Law Examination

a. Within ninety (90) days from the date this Order is signed by the Board, the Respondent shall take the Maryland Law Examination and obtain a grade of at least ninety percent (90%) without using any reference materials, books, or other aids during the examination.

b. The Respondent may retake the examination if she does not attain a score of at least ninety percent (90%). The Respondent's failure to attain a score of at least ninety percent (90%) after three (3) attempts shall constitute a Violation of Probation and shall result in an immediate suspension of the Respondent's license until such time as the Respondent successfully completes the examination, closed book, with at least a ninety percent (90%).

4. Continuing Education

Within six (6) months of the effective date of this Consent Order, the Respondent shall successfully complete a Board-approved in person course, or counseling session(s) in anger management; and it is further

ORDERED that the Respondent shall provide to the Board within sixty (60) days of the effective date of this Order (and within thirty (30) days of the date of hire of any new employee) a Board-approved document signed by each employee in the office, verifying that each has read the Consent Order and has read, reviewed and

understands the law and regulations delineating what duties they are legally permitted to perform under the Maryland Dentistry Act. A copy of the applicable law and regulations, as well as the chart delineating duties (Md. Health Occ. Code Ann. § 4-101, *et seq.*; Md. Regs. Code (COMAR) tit. 10, § 44.01 *et seq.*) shall be attached to each signed document; and it is further

ORDERED that the Respondent shall comply with all laws governing the practice of dentistry under the Act, and all rules and regulations promulgated there under; and it is further

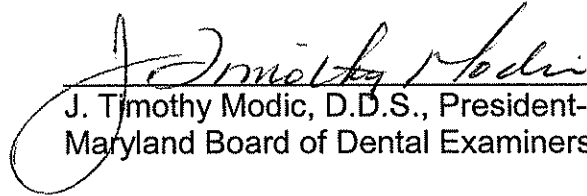
ORDERED that if the Respondent fails to follow any of the terms and conditions of this Consent Order, such failure shall be deemed a Violation of Probation and of this Consent Order and the Board may take any action it deems appropriate under the Act, including, but not limited to, immediately suspending the Respondent's license, provided the Respondent is given the opportunity for a show cause hearing at the next regularly scheduled meeting of the Board; 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 her probationary status without any conditions or restrictions whatsoever. If the Respondent has satisfactorily complied with all conditions of probation and there are no outstanding complaints regarding the Respondent, the Board shall terminate the probation; 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 a PUBLIC DOCUMENT as defined in Md. State Gov't Code Ann. § 10-611 *et seq.* (2004 & Supp. 2006).

10/17/07
Date



J. Timothy Modic, D.D.S., President-Elect
Maryland Board of Dental Examiners

CONSENT

I, **SUZANNE E. FOHL, D.D.S.**, License No. 11531, 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 enter into and consent to the foregoing Findings of Fact, Conclusions of Law and Order. 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, and, following proper procedures, I may suffer 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.

10/17/07
Date

[Signature]
Suzanne E. Fohl, D.D.S.

[Signature]
Reviewed and approved by: D. Elizabeth Walker, Esquire

NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY THAT on this 17th day of October, 2007, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared Suzanne E. Fohl, 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.

[Signature]
Notary Public

My Commission Expires: 9/8/2010

