

IN THE MATTER OF  
MATTHEW MICHIE, D.D.S  
RESPONDENT

\* BEFORE THE  
\* MARYLAND STATE  
\* BOARD OF  
\* DENTAL EXAMINERS

LICENSE No.: 5897

\* CASE NUMBER: 2009-049

\* \* \* \* \*

**PRE-CHARGE CONSENT ORDER**

**PROCEDURAL BACKGROUND**

The Maryland State Board of Dental Examiners (the "Board") and, Mathew Michie D.D.S. (the Respondent") have agreed, in lieu of the Boards' filing formal charges, to enter into to this Pre-Charge Consent Order. The Respondent waives his right to a hearing and agrees to be sanctioned by the Board. This Pre-Charge Consent Order is based upon the Board's belief that the Respondent violated provisions of the Maryland Dentistry Act ("the Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 4-101 et seq. (2005 Repl. Vol. and 2008 Supp.).

**FINDINGS OF FACT**

1. At all times relevant, the Respondent was and is licensed to practice dentistry in the State of Maryland under license number
2. On or about October 27, 2008, based upon a complaint alleging facts which if true, would be violations of Centers for Disease Control ("CDC") guidelines, the Board investigator conducted an inspection of the Respondent's dental office located at 6 E. Jarrettsville Road, Forest Hill, Maryland.
3. Present in the office during the course of the inspection were the Respondent and his office manger Karen Nordman.
4. The investigator presented the Respondent with a subpoena for records of hazardous waste removal, proof of attendance of infection control continuing education, records for employee

hepatitis vaccinations, and spore testing records.

5. Responding to the subpoena the Respondent advised the investigator that he generates no hazardous or medical waste and that he does not spore test.

6. At the time of the inspection the Respondent was treating Patient A in operatorie #2<sup>1</sup> where the investigator observed:

- a. That the Respondent wore street clothes while treating patient A.
- b. That the Respondent failed to wash his hands prior to donning gloves.
- c. That the Respondent failed to wear a mask as well as protective eye ware.
- d. That the Respondent disposed of the gloves and all other waste in a typical trash can which contained a white garbage bag in which all waste was being deposited.
- e. Unwrapped instruments were lying behind a sink.

#### CONCLUSIONS OF LAW

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

- (6) Practices dentistry in a professionally incompetent manner;
- (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

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

**ORDERED** that, no later than ten (10) days from the effective date of this Order, the respondent shall demonstrate to the Board that he has engaged a Board approved CDC consultant who shall conduct a mock patient care inspection which shall demonstrate the Respondent's working application of the CDC guidelines. The mock inspection shall include observation of the

Respondent caring for a mock patient, room turnover, room disinfection and the sterilization process of instruments; and it is further

**ORDERED** that the CDC consultant shall, within thirty (60) days of the initial visit, provide the Board with a detailed written report evidencing the Respondent's working knowledge and understanding of CDC guidelines. The report must be satisfactory and must be accepted by the Board. An unsatisfactory report shall constitute a violation of this Order and may subject the respondent to further disciplinary action by the Board, including but not limited to, charging the Respondent and /or immediately suspending the Respondent's license. In the event the Respondent's license is suspended under this provision he shall be afforded a Show Cause Hearing before the Board to show cause why his license should not be suspended; and it is further

**ORDERED** that no earlier than six (6) months from the date of the initial inspection, the Respondent shall be subject to a minimum of one (1) unannounced inspection by the consultant, or other Board-approved agent. An unsatisfactory inspection report shall constitute a violation of this Order and may result in further disciplinary action by the Board; and it is further

**ORDERED** this Order shall remain in effect for a minimum of one (1) year from its effective date and shall terminate at the Board's discretion after having reviewed Respondent's request to do so; and it is further

**ORDERED** that the Respondent shall comply with and practice within all statutes and regulations governing the practice of dentistry in the State of Maryland; and it is further

**ORDERED** that any violation of the terms and conditions of this Order shall constitute unprofessional conduct in addition to any applicable grounds under the Act; and it is further

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<sup>1</sup> The names of patients are confidential and are maintained among the Board's records.

**ORDERED** that this Consent Order is a PUBLIC DOCUMENT as defined in Md. State Gov't

Code Ann. §§ 10-611 et seq. (2004).

3/18/08  
Date of Pre Charge Consent Order

Jane Casper  
Jane Casper, R.D.H., M.A.  
President-Elect

CONSENT

I, Matthew Michie, D.D.S., License Number 5897, by signing this Consent agree to be bound by the terms and conditions of the foregoing Pre-Charge Consent Order.

By signing this Pre-Charge Consent Order I submit to its terms and conditions as a resolution to this matter and waive my right to contest the terms and findings herein and all challenges legal or otherwise to the proceedings before the Board.

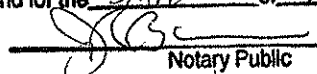
I acknowledge the validity and enforceability of this Pre-Charge Consent Order as if it were made after a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections 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 this matter.

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

3/18/09  
Date

Matthew Michie D.D.S.  
Matthew Michie, D.D.S.

Approved by:   
John Murphy, Esquire

Subscribed and sworn to before me, in my presence, this  
18<sup>th</sup> day of MARCH, 2009, a Notary Public  
In and for the STATE of MARYLAND.  
  
Notary Public  
My commission expires JANUARY 29<sup>th</sup>, 2013