

IN THE MATTER OF	*	BEFORE THE MARYLAND
CHERYL L. STENDE, R.D.H.	*	STATE BOARD OF
Respondent	*	DENTAL EXAMINERS
Former License Number: 02726	*	Case Number: 2009-070

\* \* \* \* \*

**CONSENT ORDER**

**PROCEDURAL BACKGROUND**

On March 4, 2009, the Maryland State Board of Dental Examiners (the "Board") notified **CHERYL L. STENDE, R.D.H.** (the "Respondent"), date of birth: 05/15/61, former license number: 02726, of its initial denial of her Application for Dental Hygiene Licensure (the "Application") under the Maryland Dentistry Act, Md. Health Occ. Code Ann. ("H.O.") §§ 4-101 *et seq.* (2000 and 2005 & Repl. Vols.) for violations of H.O. § 4-315(b) and Md. Regs. Code ("COMAR") tit. 10, § 44.10.02G.

The Board initially denied the Respondent's Application based on the following provisions of H.O. § 4-315(b) and COMAR 10.44.10.02G:

**H.O. § 4-315(b)**

*(b) License to practice dental hygiene.* -- Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dental hygiene, a teacher's license to practice dental hygiene, or a temporary license to practice dental hygiene to any applicant, reprimand any licensed dental hygienist, place any licensed dental hygienist on probation, or suspend or revoke the license of any licensed dental hygienist, if the applicant or licensee:

- (3) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dental hygiene profession;
- (9) Violates any rule or regulation adopted by the

Board; and

(17) Fails to comply with any Board order.

**COMAR 10.44.10.02G**

(1) A licensee who has failed to renew a license to practice dental hygiene in this State by July 31 of the year in which the license is due for renewal is prohibited from practicing dental hygiene in this State after the expiration date of the license.

(3) If the Board determines that a dental hygienist has practiced dental hygiene in this State after the license has expired, the Board may order the dental hygienist to immediately cease and desist the practice of dental hygiene in this State until the dental hygienist's license has been reinstated by the Board.

(4) The Board may take action against a dental hygienist for unprofessional conduct if it determines that the dental hygienist has practiced dental hygiene in this State after the dental hygienist's license has expired. The Board may:

...

(c) Charge the dental hygienist with unprofessional conduct as provided in Health Occupations Article, § 4-315(b)(3), Annotated Code of Maryland, for practicing dental hygiene without a license.

On April 1, 2009, a Case Resolution Conference was convened in this matter. Based on negotiations occurring as a result of this Case Resolution Conference, the Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order and Consent.

**FINDINGS OF FACT**

The Board finds as follows:

1. The Respondent was initially licensed to practice dental hygiene in the State of Maryland on or about June 28, 1984.

2. The Respondent continued to renew her Maryland dental hygiene license until the 2002 renewal period. The Respondent failed to renew her dental hygiene license on or before it expired on June 30, 2002.

3. By correspondence, dated July 1, 2004, Board representatives notified the Respondent that her dental hygiene license had been placed on an "expired status," effective August 6, 2002, because of her failure to renew it. Board representatives provided the Respondent with a reinstatement application. The Respondent did not apply for reinstatement of her dental hygiene license at that time, however.

4. The Respondent continued to practice dental hygiene in the State of Maryland after her dental hygiene license expired, and after the Board notified her that her dental hygiene license had expired. The Respondent continued to practice dental hygiene until 2008.

5. In or about July 2008, the Respondent submitted her Application. In follow-up correspondence to the Board, dated August 28, 2008, the Respondent stated that she was "completely in the wrong" and was "at fault" for not renewing her dental hygiene license.

6. Board investigation determined that the Respondent practiced dental hygiene in the State of Maryland from in or about 2002 to 2008 without a valid Maryland dental hygiene license.

7. The Board denies the Respondent's Application based on the following violations of the Act: behaving unprofessionally, or violating a professional code of ethics pertaining to the dental hygiene profession, in violation of H.O. § 4-315(b)(3);

violating any rule or regulation adopted by the Board, in violation of H.O. § 4-315(b)(9); failing to comply with a Board order, in violation of H.O. § 4-315(b)(17). In addition, the Board denies the Respondent's Application based on the following violations of COMAR 10.44.10.02G: (1), (3), and (4)(c).

#### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated the following provisions of the Maryland Dentistry Act: behaving unprofessionally, or violating a professional code of ethics pertaining to the dental hygiene profession, in violation of H.O. § 4-315(b)(3); violating any rule or regulation adopted by the Board, in violation of H.O. § 4-315(b)(9); and failing to comply with a Board order, in violation of H.O. § 4-315(b)(17). In addition, the Board finds as a matter of law that the Respondent violated the following provisions of COMAR 10.44.10.02G: (1), (3), and (4)(c).

#### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is by a majority of the quorum of the Board considering this case hereby:

**ORDERED** that the Respondent shall be granted a license to practice dental hygiene in the State of Maryland, effective April 16, 2009; and it is further

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

**ORDERED** that the Respondent shall be placed on probation for **TWO (2) YEARS**, to commence on the date the Board executes this Consent Order, and continuing until she has successfully completed the following terms and conditions:

1. The Respondent shall enroll in and successfully complete thirty (30) hours of continuing dental hygiene education credits, to include the two (2) credit Occupational Safety and Health Administration ("OSHA") requirement, for purposes of fulfilling continuing dental hygiene education credit requirements for the 2010 renewal period. The Respondent shall successfully complete these continuing education credits on or before December 31, 2009.

2. The Respondent shall enroll in and successfully complete an additional eighteen (18) continuing dental hygiene education credits, to include the two (2) credit OSHA requirement, for purposes of fulfilling continuing dental hygiene education credit requirements for the 2008 renewal period. These credits may not be used to fulfill any continuing dental hygiene education credits required for continuing licensure. The Respondent shall complete these continuing education credits within two (2) years of the date the Board executes this Consent Order.

3. The Respondent shall make a retroactive renewal payment to the Board in the amount of four hundred and forty (\$440.00) dollars, for purposes of satisfying renewal fees for the 2002, 2004, 2006 and 2008 renewal periods. The Respondent shall make this payment within two (2) years of the date the Board executes this Consent Order, pursuant to a schedule ordered by the Board.

**AND BE IT FURTHER ORDERED** that any violation of any of the terms of this Consent Order shall constitute unprofessional conduct in addition to any other applicable grounds under the Act; and it is further

**ORDERED** that the Respondent shall comply with and practice according to all statutes and regulations governing the practice of dental hygiene in the State of Maryland; and it is further

**ORDERED** that if the Respondent violates any of the terms or conditions of this Consent Order, the Board, after notice, opportunity for a hearing and determination of violation, may impose any other disciplinary sanctions it deems appropriate, including but not limited to, revocation or suspension, said violation being proven by a preponderance of the evidence; and be it further

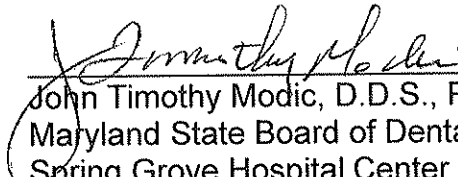
**ORDERED** that the Respondent shall not apply for early termination of her probation; and it is further

**ORDERED** that the Respondent may petition the Board, in writing, for termination of her probation without further conditions or restrictions, provided the Respondent has satisfactorily complied with all conditions of this Consent Order, including the conclusion of the entire **TWO (2) YEAR** period of probation imposed above, and the Respondent has no pending complaints before the Board; 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 Order is a public document pursuant to Md. State Gov't Code Ann. §§ 10-611, *et seq.* (2004).

4/15/09  
Date \_\_\_\_\_

  
\_\_\_\_\_  
John Timothy Modic, D.D.S., President  
Maryland State Board of Dental Examiners  
Spring Grove Hospital Center  
Benjamin Rush Building  
55 Wade Avenue  
Catonsville, Maryland 21228

**CONSENT OF CHERYL STENDE, RDH**

I, **CHERYL STENDE, RDH**, by affixing my signature hereto, acknowledge that:

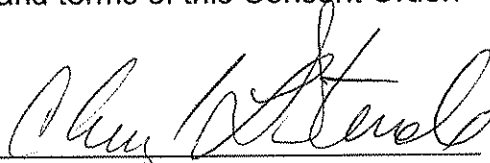
1. I am represented by counsel and have reviewed this Consent Order with my attorney before signing this Consent Order.
2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Health Occ. Code Ann. § 4-318 (2005 Repl. Vol.) and Md. State Gov't Code Ann. §§ 10-201 *et seq.* (2004 Repl. Vol.).
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 as provided by law. I am waiving those procedural and substantive protections.
4. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. 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. or any adverse ruling of the Board that might have followed any such hearing.

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 suspension or revocation of my license to practice dental hygiene in the State of Maryland.

6. I sign this Consent Order voluntarily, without reservation. I fully understand and comprehend the language, meaning, and terms of this Consent Order.

4-8-09  
Date

  
CHERYL STENDE, RDH  
Respondent

**NOTARY**

STATE OF Maryland  
CITY/COUNTY OF Prince Georges

I HEREBY CERTIFY that on this 8<sup>th</sup> day of April, 2009  
before me, a Notary Public of the State and County aforesaid, personally appeared  
**CHERYL STENDE, RDH**, former license number 02726, and gave oath in due form  
of law that the foregoing Consent Order was her voluntary act and deed.

**AS WITNESS**, my hand and Notary Seal.

  
Notary Public

My commission expires:

**Michele Alley  
NOTARY PUBLIC  
Charles County, Maryland  
My Commission Expires 5/04/12**