

IN THE MATTER OF	*	BEFORE THE MARYLAND
SUZANNE B. HONEYMAN, D.D.S.	*	STATE BOARD OF DENTAL
RESPONDENT	*	EXAMINERS
LICENSE NUMBER: 8446	*	CASE NUMBERS: 2008- 198 & 2009-190

* * * * *

FINAL CONSENT ORDER

The Maryland State Board of Dental Examiners (the "Board") charged Suzanne B. Honeyman, D.D.S. ("Respondent"), DOB: 01/21/1955, license number: 8446, under the Maryland Dentistry Act, Md. Health Occ. ("H.O.") Code Ann. §§ 4-101 *et seq.* (Repl. Vol. 2009). Specifically, the Board charged the Respondent with violating the following provisions:

H.O. § 4-315. Denials, reprimand, probations, suspensions, and revocations – Grounds.

- (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, a limited license to practice dentistry, or a teacher's 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:
 - (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;
 - (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.

INTRODUCTION

The Centers for Disease Control and Prevention ("CDC") is a federal agency dedicated to designing protocols to prevent the spread of disease. The CDC has issued guidelines for dental offices which detail the procedures deemed necessary to minimize the chance of transmitting infection both from one patient to another and from the dentist, dental hygienist and dental staff to and from the patients. These guidelines include some very basic precautions, such as washing one's hands prior to and after treating a patient, and also sets forth more involved standards for infection control. Under the Act, all dentists are required to comply with the CDC guidelines which incorporate by reference Occupational Safety and Health Administration's ("OSHA") final rule on Occupational Exposure to Blood borne Pathogens (29 CFR 1910.1030). The only exception to this rule arises in an emergency which is: 1) life-threatening; and (2) where it is not feasible or practicable to comply with the guidelines. Based on complaints, the Board conducted a CDC inspection of the Respondent's dental office on April 3, 2008. The investigation involved an examination of the office and interviews with the Respondent and the Respondent's staff.

FINDINGS OF FACT

The Board finds that:

1. At all times relevant hereto, the Respondent was and is licensed to practice dentistry in the State of Maryland. The Respondent initially received her license to practice dentistry on or about July 2, 1984.

2. The Respondent owns and operates a dental practice, located at 7726 Finns Lane, Lanham, Maryland.

3. In or around February 2008, the Board received complaints about the Respondent's infectious control practices. As a result of the complaints, the Board's Investigator conducted an unannounced inspection of the Respondent's dental office, to determine her compliance with CDC guidelines on universal precautions.

4. On April 3, 2008, the Board Investigator conducted an unannounced CDC inspection at the Respondent's place of practice. During his CDC inspection of the Respondent's dental practice, the Board investigator found numerous CDC violations, as set forth below:

Operatories

5. During the CDC inspection, the Board Investigator observed two (2) of the Respondent's three (3) operatories occupied by patients.

6. The Respondent and a dental hygienist were each attending to a patient occupying the operatories.

7. The Board Investigator did not observe the Respondent or the dental hygienist wash their hands before donning or doffing their gloves to treat their patients.

8. The Board Investigator observed a cuspidor in one of the Respondent's operatories that would not completely drain and contained standing water with spittle.

9. The Board investigator also observed a patient being treated in the operatory with standing water with spittle.

Sterilization

10. During his inspection of the Respondent's sterilization room, the Board Investigator spoke with the Respondent's dental assistant about spore testing.

11. The Board investigator asked the dental assistant if she had personally conducted spore testing or kept spore testing records.

12. The Respondent's dental assistant informed the Board Investigator that she never conducted spore testing nor had she kept records of spore testing.

13. The Board Investigator also spoke to the Respondent about spore testing.

14. The Respondent indicated that she spore tested on a weekly basis.

15. The Respondent also told the Board Investigator that she would provide the Board with her weekly spore testing results.

16. During his inspection, the Board Investigator presented the Respondent with a subpoena that required her to provide the Board with documentation of her spore testing results, no later than April 11, 2008.

17. On or about April 28, 2008, the Respondent submitted to the Board her spore test results for April 18, 2008 and April 21, 2008.

18. On June 19, 2008, the Board investigator spoke with the Respondent and asked that she provide the Board with spore test results and proof of waste removal for the period that pre-dated the Board's April 3, 2008 CDC inspections of her dental practice.¹

19. In addition, by letter dated June 19, 2008, the Respondent was asked to provide the Board with spore test results and proof of waste, that pre-dated the Board's April 3, 2008 CDC inspection of her dental practice. The Respondent was requested to submit the requested information by July 2, 2008.

¹ The Board investigator contacted the Respondent by telephone and by mail.

20. The Respondent failed to provide the Board with the spore testing results for the period that pre-dated the Board's April 3, 2008 CDC inspection of her dental practice.

Miscellaneous

21. The Respondent informed the Board Investigator that she had a hepatitis vaccine in 1989, but she could not provide documentation that she had been vaccinated for hepatitis.

CONCLUSIONS OF LAW

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

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this **18th day of August, 2010**, by a majority of the Board considering this case:

ORDERED that the Respondent's license to practice dentistry in hereby **REPRIMANDED** and it is further

ORDERED that the Respondent shall be placed on **PROBATION** for a period of two (2) years subject to the following terms and conditions:

1. Within ten (10) days from the date of this Order, the Respondent shall retain a Board-approved consultant to evaluate her current dental office for compliance with CDC guidelines and to train the Respondent and each employee of the office in applying the guidelines to the dental practice. The consultant shall be provided with a copy of all Orders in this case and all documentation pertinent to the investigation.

2. The consultant shall be present in the Respondent's office for at least one (1) full day of patient care within thirty (30) days from the date of this Consent Order and one (1) additional day during the first ninety (90) days of the date of this Consent Order, to ensure that the Respondent is complying with the CDC guidelines and the Act, and that all employees and practitioners in the office are in compliance;

3. The consultant shall determine if the Respondent can keep live animals in her dental office. If the consultant determines that Respondent can keep live animals in her dental office, the consultant shall set forth the conditions that the Respondent would be allowed to keep live animals in her dental office;

4. The Respondent shall provide to the Board, on or before the fifth day of each month a listing of her regularly scheduled days and hours for patient care;

5. The Respondent shall be subject to a minimum of four (4) unannounced inspections by the consultant, or other Board-approved agent, during her probationary period. The consultant shall provide reports to the Board, within ten (10) days of the date of the inspection, and may consult with the Board regarding the findings of the inspections. 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 Consent Order and may, in the Board's discretion, be grounds 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;

6. The Respondent shall also be subject to random, unannounced inspections by the Board or its representative(s), at any time during the effective dates of this Order. A finding by the Board indicating that the Respondent or her practice is not in compliance with the CDC guidelines or the conditions outline by the consultant for keeping live animals in her dental office, constitutes a violation of this Order and may, in the Board's discretion, be grounds 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;

7. The Respondent shall complete all required continuing education courses required for renewal of her license. No part of the training or education she receives in compliance with this Order shall be applied to her required continuing education credits;

8. The Respondent is prohibit from being a continuing education provider;

9. The Respondent submit documentation to the Board that she has taken a titer test for hepatitis;

10. The Respondent shall comply with the CDC guidelines, including Occupational Safety and Health Administration's ("OSHA") for dental healthcare settings; and it is further

ORDERED that the Respondent shall at all times cooperate with the Board, any of its agents or employees, and with her consultant, 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 the Respondent may file a written petition for early termination of her probation, no earlier, than twelve (12) months from the effective date of this Consent Order, provided, the Respondent has satisfactorily complied with all conditions of the Order, and there are no outstanding complaints regarding the Respondent.

ORDERED that at the end of the Respondent's probation period, the Respondent may file a written petition to the Board for termination of this Consent Order. If the Respondent has satisfactorily complied with all terms and conditions of this Consent Order and there are no outstanding complaints regarding the Respondent, the Board shall terminate the Consent Order; and it is further

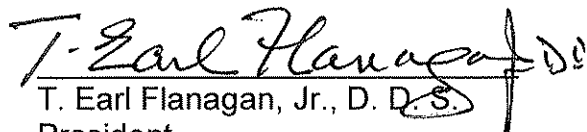
ORDERED that the Respondent shall be responsible for all costs incurred under this Consent Order; and it is further

ORDERED that the effective date of this Consent Order is the date that it is signed by the Board; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-617(h) (Repl. Vol. 2009), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that this Consent Order is a public document pursuant to Md. State Govt. Code Ann. §§ 10-601 *et seq.* (Repl. Vol. 2009).

8/18/2010
Date


T. Earl Flanagan, Jr., D. D.S.
President
Maryland State Board of Dental
Examiners

CONSENT OF SUZANNE B. HONEYMAN, D.D.S.

I, Suzanne B. Honeyman, D.D.S. by affixing my signature hereto, acknowledge that:

1. I am represented by John J. Murphy, III, Esquire.
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 (Repl. Vol. 2009) and Md. State Govt. Code Ann. §§ 10-201 *et seq.* (Repl. Vol. 2009).
3. I acknowledge the validity and enforceability of this Consent Order as if entered 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. I am waiving those procedural and substantive protections.
4. I voluntarily enter into and consent to the foregoing findings of fact, conclusions of law, and order and agree to abide by the terms and conditions set forth herein, as a resolution of the Board's case, based on the findings set forth herein.
5. I waive my right to contest the findings of fact and conclusions of law, and I waive my right to a full evidentiary hearing, and any right to appeal this Consent Order as set forth in Md. Health Occ. Code Ann. § 4-319 (Rep. Vol. 2009) and Md. State Govt. Code Ann. §§ 10-201 *et seq.* (Rep. Vol. 2009).
6. I acknowledge that by failing to abide by the terms and conditions set forth in this Consent Order, and, following proper procedures, I may be subject to disciplinary

action, which may include revocation of my license to practice dentistry in the State of Maryland.

7. 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 order.

7/27/10
Date

Suzanne B. Honeyman D.D.S.
Suzanne B. Honeyman, D.D.S.

NOTARY

STATE OF Maryland

CITY/COUNTY OF Rockville; montgomery

I hereby certify that on this 27 day of July, 2010, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared SUZANNE B. HONEYMAN, 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.

Jumelle Dyer
Notary Public

My Commission Expires: 4/3/2012