

IN THE MATTER OF	*	BEFORE THE MARYLAND
KARINEH ASSATOURIAN, D.D.S.	*	STATE BOARD OF
Respondent	*	DENTAL EXAMINERS
License Number: 12215	*	Case Number: 2016-154
* * * * *	*	* * * * *

**CONSENT ORDER**

**PROCEDURAL BACKGROUND**

On January 4, 2017, the Maryland State Board of Dental Examiners (the “Board”) charged **KARINEH ASSATOURIAN, D.D.S.**, (the “Respondent”), License Number 12215, with violating the Maryland Dentistry Act (the “Act”), Md. Code Ann., Health Occ. I (“Health Occ. I”) §§ 4-101 *et seq.* (2014 Repl. Vol.) and Md. Code Regs. (“COMAR”) 10.44.23.01C(7).

Specifically, the Board charged the Respondent with violating the following provisions of the Act and COMAR:

**Health Occ. I § 4-315. Denials, reprimand, probations, suspension, and revocations— Grounds.**

(a) *License to practice dentistry* – Subject to the hearing provisions of § 4-318 of this subtitle, the Board may ... reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the ... licensee:

- (16) Behaves dishonorably or unprofessionally, or violates a profession code of ethics pertaining to the dentistry profession; [and]
- (34) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board.

**COMAR 10.44.23.01 Unprofessional or Dishonorable Conduct.**

- C. The following shall constitute unprofessional or dishonorable conduct in the practice of dentistry, dental hygiene, or dental radiation technology:
- (7) Willfully and without legal justification, failing to cooperate with a lawful investigation conducted by the Board, which includes, but is not limited to:
    - (a) Furnishing information requested;
    - (b) Complying with a subpoena;
    - (c) Responding to a complaint at the request of the Board; and
    - (d) Providing meaningful and timely access to relevant patient records[.]

On April 19, 2017, a Case Resolution Conference ("CRC") was held before a committee of the Board. As a resolution of this matter, the Respondent agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

The Board makes the following Findings of Fact:

**I. Background**

1. At all times relevant, the Respondent was licensed to practice dentistry in the State of Maryland. The Respondent was initially licensed to practice dentistry in Maryland on or about July 13, 1997, under License Number 12215. The Respondent allowed her Maryland dental license to expire on or about June 30, 2015, without filing for a renewal.

2. The Respondent is also licensed to practice dentistry in the State of California, under License Number 53328. The Respondent was initially licensed to practice dentistry in California on or about November 4, 2004. The Respondent's California dental license is current through February 28, 2019.

3. At all times relevant, the Respondent was the owner of a dental clinic (the "Clinic")<sup>1</sup> located in Olney, Maryland.

4. On or about February 12, 2015, the Board received a complaint from a patient (the "Complainant"), who alleged that she had been receiving periodic dental treatments from a dentist ("Dentist A") at the Clinic since May 2014. In or around July 2014, Dentist A suddenly canceled her upcoming appointment for seating of a crown without any explanation. The Complainant stated that she later tried to contact Dentist A without success and discovered that the Clinic was closed. The Complainant attached to her Complaint bills she received from the Clinic under the Respondent's name.

5. Based on the Complainant's allegations, the Board initiated an investigation of the Complaint.

## **II. Investigation**

6. From April to October 2015, the Board issued several subpoenas to Dentist A at his various addresses for the Complainant's dental record but did not receive a response from him.

7. On or about October 29, 2015, Board investigators visited the Clinic in Olney, Maryland. Board investigators found the door to the Clinic locked, and despite

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<sup>1</sup> To ensure confidentiality, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this document.

repeated knocks no one responded. Board investigators made inquiries with a dentist from a neighboring suite, who stated that the Respondent's dental Clinic had been unoccupied for almost a year.

8. On or about December 14, 2015, the Board again issued a subpoena to Dentist A, but this time, to his address in Lancaster, Pennsylvania. On or about December 29, 2015, Dentist A contacted a Board staff by telephone, stating that he no longer works for the Respondent at the Clinic and does not have access to the Complainant's dental record. Dentist A provided Board staff with the Respondent's address and telephone number in California.

9. After receiving the Respondent's California address and telephone number, a Board investigator conducted an internet search, which confirmed that the Respondent was practicing dentistry at a dental office she owned in Los Angeles, California.

10. On or about January 8, 2016, the Board issued a subpoena to the Respondent for the Complainant's dental record at her address in Los Angeles, California, by regular and certified mail. The Board's subpoena required that the Respondent produce the Complainant's dental record to the Board by January 22, 2016.

11. On or about January 16, 2016, the Board received a return-receipt signed by an employee at the Respondent's dental practice in California acknowledging receipt of the certified mail.

12. The Respondent failed to produce the Complainant's dental record, or otherwise respond to the Board's subpoena, by January 22, 2016, or any time thereafter.

13. On or about April 19, 2016, a Board investigator interviewed Dentist A at the Board's offices. During the interview, Dentist A stated that the Respondent hired him to manage the Clinic in Maryland, which she owned, so that she could operate another dental practice in California. Dentist A stated that when he received the Board's subpoena for the Complainant's dental record, he forwarded the subpoena to the Respondent because he did not have access to the record. Dentist A stated that he terminated his employment relationship with the Respondent after she failed to compensate him.

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's failure to produce the Complainant's dental record, or otherwise respond to the Board's subpoena, by January 22, 2016, after being duly notified, constitutes: behaving dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession, in violation of Health Occ. I § 4-315(16); willfully and without legal justification, failing to cooperate with a lawful investigation conducted by the Board, in violation of Health Occ. I § 4-315(a)(34); and a violation of COMAR 10.44.23.01C(7).

### **ORDER**

It is, on the affirmative vote of a majority of the Board, hereby:

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

**ORDERED** that **within sixty (60) days** of the date of this Consent Order, the Respondent shall pay a fine in the amount of **ONE THOUSAND DOLLARS (\$1000.00)** to the Maryland State Board of Dental Examiners; and it is further

**ORDERED** that **within sixty (60) days** of the date of this Consent Order, the Respondent shall undertake and complete the requirements under Md. Code Ann., Health General I ("Health General I") § 4-403(e) regarding the disposition of patient dental records, including: (1) forwarding the notice required under Health General I § 4-403 before the destruction or transfer of the dental records; or (2) publish a notice in a daily newspaper that is circulated locally for 2 consecutive weeks: (i) stating the date that the dental records will be destroyed or transferred; and (ii) designating a location, date, and time where the dental records may be retrieved, if wanted. The notice required under Health General I § 4-403 shall: (1) be made by first-class mail to the last known address of the patient; (2) include the date on which the record of the patient shall be destroyed; and (3) include a statement that the record or synopsis of the record, if wanted, must be retrieved at a designated location within 30 days of the proposed date of destruction; and it is further

**ORDERED** that if the Board determines, after notice and an opportunity for an evidentiary hearing before the Board if there is a genuine dispute as to a material fact or a show cause hearing before the Board if there is no genuine dispute as to a material fact, that the Respondent has failed to comply with any terms or conditions of this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, impose a civil monetary fine upon the


Respondent, or suspend or revoke the Respondent's license to practice dentistry in Maryland; and it is further

**ORDERED** that the Board shall close its investigation and take no further action against the Respondent with respect to any issue arising out of the closing of the Respondent's Maryland office, without limitation to include all issues relating to alleged lack of maintenance and alleged unavailability of patient records, and to include allegations that the Respondent failed to supervise adequately the patient care at that office. This provision, however, does not prohibit the Board from taking further disciplinary action against the Respondent if she fails to comply with the terms and conditions of this Consent Order; and it is further

**ORDERED** that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

**ORDERED** that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014).

09/20/17  
Date

  
\_\_\_\_\_  
Arthur C. Jee, D.M.D.  
Board President  
Maryland State Board of Dental Examiners


**CONSENT**

I, Karineh Assatourian, D.D.S., acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of 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 the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

Date 9/6/17

  
\_\_\_\_\_  
Karineh Assatourian, D.D.S.  
Respondent

**NOTARY**

STATE OF \_\_\_\_\_

CITY/COUNTY OF \_\_\_\_\_

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, a Notary Public of the foregoing State and City/County personally appear Karineh Assatourian, D.D.S., and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notary seal.



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Notary Public

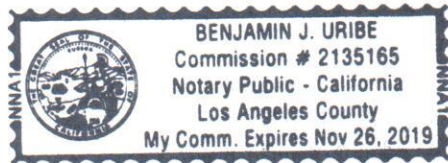
My commission expires:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this 6th  
day of September, 2017, by Karineh Elmira Assatourian

proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.



(Seal)

Signature

A handwritten signature in black ink, appearing to read 'Karineh Elmira Assatourian', written over a horizontal line.