

IN THE MATTER OF
ANA M. TELLEZ

Applicant,

CERTIFICATE # 20013

* BEFORE THE MARYLAND
* STATE BOARD OF
* DENTAL EXAMINERS
* CASE NUMBER: 2016-001

* * * * *

CONSENT ORDER

By notice, dated February 3, 2016, the Maryland State Board of Dental Examiners (the "Board"), notified **ANA M. TELLEZ** of its intent to deny her *Application for Radiation Technologist Certification* (the "Application"), filed on June 4, 2015, under the Maryland Dentistry Act (the "Act"), codified at Md. Code Ann., Health Occ. I ("Health Occ.") §§ 4-101 *et seq.* (2014 Repl. Vol.) and the Board's regulations under Md. Code Regs. ("COMAR") 10.44.19 *et seq.* (2015).

Specifically, the Board based its action on the Applicant's violation of the following provisions of the Act and COMAR 10.44.19:

Health Occ. I § 4-505. Certification of dental radiation technologists.

(a) *"Dental radiation technologist" and "practice dental radiation technology" defined; rules and regulations; competency requirements.* – The Board of Dental Examiners shall:

(2) Adopt rules and regulations concerning qualifications, training, certification, monitoring of, and enforcement requirements for a dental radiation technologist[.]

COMAR 10.44.19.03 Qualifications.

A. Except as otherwise provided in these regulations, to qualify to be certified as a dental radiation technologist, an applicant shall be an individual who:

(2) Is of good moral character[.]

COMAR 10.44.19.12 Penalties for Violations of These Regulations.

- A. Subject to the hearing provisions of this chapter, the Board may deny a certificate to practice dental radiation technology..., if the holder of the certificate:
 - (6) Violates any rule or regulation adopted by the Board;
[and]
 - (15) Behaves dishonorably or unprofessionally.

The pertinent provisions of the Board's regulations under COMAR 10.44.23 provide:

COMAR 10.44.23.01 Unprofessional or Dishonorable Conduct

- B. A . . . dental radiation technologist may not engage in unprofessional or dishonorable conduct.
- C. The following shall constitute unprofessional or dishonorable conduct in the practice of . . . dental radiation technology:
 - (2) Engaging in conduct which is unbecoming a member of the dental profession[.]

On June 1, 2016, a Case Resolution Conference was held before a committee of the Board. At the conclusion of the conference, the Applicant 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:

Background

- 1. On or about June 4, 2015, the Board received an *Application for Dental Radiation Technologist Certification* filed by the Applicant, dated May 30, 2015.
- 2. In her Application, the Applicant answered "Yes" to the following the questions under "Section III - Character and Fitness":

- f. Have you pled guilty, nolo contendere, had a conviction or receipt of probation before judgment or other diversionary disposition of any criminal act, excluding minor traffic violations?
- g. Have you pled guilty, nolo contendere, had a conviction, or receipt of probation before judgment or other diversionary disposition for an alcohol or controlled dangerous substance offense, including but not limited to driving while under the influence of alcohol or controlled dangerous substances?

3. In an attachment to her Application, the Applicant provided the following responses with respect to questions f and g:

- 2001 - I got probation before judgment for DWI with unsupervised probation.
- 2005 - DWI, guilty 1 year probation, 6 months supervised and 6 month unsupervised with a weekend sentenced.
- 2008 - DWI, guilty, 2 year supervised probation and 6 months at Pre Release Center served only 4 months for good behavior.
- 2015 - DWI, guilty 1 year probation, 1 weekend at Right Turn rehab center and 5 days sentenced which I've completed everything and currently on probation.

4. Based on the Applicant's disclosure, the Board initiated an investigation of the Applicant's criminal history.

Board Investigation

5. Board investigation determined that the between 2003 and 2015, the Applicant was criminally charged in four drunk driving incidents for which she either received probation before judgment or was convicted.

6. In or around 2003, the Applicant received probation before judgment for the charge of driving while impaired by alcohol, in violation of Md. Code Ann., Transp. § 21-902(b)(1).¹

7. In or around 2005, the Applicant was convicted of driving while impaired by alcohol, in violation of Transp. § 21-902(b)(1), for which she was sentenced to sixty days incarceration with all but two days suspended followed by one year of probation.

8. On or about July 22, 2009, the Applicant pleaded guilty to and was convicted of driving while impaired by alcohol, in violation of Transp. § 21-902(b)(1), in the Circuit Court for Montgomery County, Maryland. The Applicant was sentenced to one-year of incarceration without all but six months suspended followed by two years of supervised probation.

9. On or about April 27, 2015, the Applicant pleaded guilty to and was convicted of driving while impaired by alcohol, in violation of Transp. § 21-902(b)(1), in the District of Court of Maryland for Montgomery County. The Applicant was sentenced to sixty days incarceration with all but fifty-five days suspended followed by one-year of supervised probation.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that it has the authority to deny the Applicant's Application for dental radiation technology certification in the State of Maryland under the following provisions of the Act: Health Occ. I § 4-505(a)(2); COMAR 10.44.19.03A(2) - lacking in good moral character; COMAR 10.44.19.12A(6) - violating any rule or regulation adopted by the

¹ The Applicant self-reported this event as occurring in 2001 in an attachment to her Application.

Board, i.e. COMAR 10.44.23.01B and C(2); and COMAR 10.44.19.12A(15) - behaving dishonorably or unprofessionally.

However, in light of the Applicant's consent to comply with the terms and conditions set forth below, the Board agrees to grant the Applicant a certificate, subject to those terms and conditions.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 23rd day of August, 2016, by a majority of the Board considering this case:

ORDERED that the Applicant's *Application for Dental Radiation Technology Certification*, filed on June 4, 2015, is hereby **GRANTED**; and it is further

ORDERED that the Applicant is immediately placed on **PROBATION** for a minimum period of **ONE (1) YEAR**, to commence on the date the Board executes this Consent Order and continuing until all of the following terms and conditions are met:

- (1) The Applicant must enroll with the Maryland Dental Hygiene Well-Being Committee (the "Well-Being Committee") for evaluation and treatment.
- (2) The Applicant shall fully, timely and satisfactorily cooperate and comply with all recommendations and requirements of the Well-Being Committee.
- (3) For the duration of her probation, the Applicant shall abstain from using alcohol, controlled dangerous substances (unless prescribed by a health care provider), narcotics and illegal drugs.
- (4) As long as the Applicant is subject to an ignition interlock device, she is not required to undergo random urine toxicology screening by the Well-Being Committee.

- (5) The Applicant consents to undergo random urine toxicology screening by the Well-Being Committee as soon as she is no longer subject to an ignition interlock device.
- (6) The Applicant shall sign any written release/consent forms, and update them, as required by the Board or the Well-Being Committee. Specifically, the Applicant shall sign any written release/consent forms as required by the Board to authorize the Well-Being Committee to make verbal and written disclosures to the Board, including disclosures of any and all Well-Being Committee records and files about the Applicant. The Applicant shall also sign any written release/consent forms required by the Well-Being Committee to authorize it to exchange with (i.e. disclosure to and receive from) outside entities (including all of the Applicant's current therapists and treatment providers, if any) verbal and written information about her.
- (7) The Applicant shall comply with the Maryland Dentistry Act and all laws, statutes and regulations pertaining thereof.

AND IT IS FURTHER ORDERED that no earlier than **ONE (1) YEAR** from the date of the execution of this Consent Order, the Applicant may submit a written petition to the Board requesting termination of her probation. After consideration of the petition, the Board may terminate the Applicant's probation, through an order of the Board, or a designated Board committee. The Board, or designated Board committee, will grant the termination if the Applicant has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending complaints related to the Notice; and it is further


ORDERED that the Applicant's failure to comply with any of the conditions of this Consent Order shall be considered a violation of probation and/or a violation of this Consent Order; and it is further

ORDERED that if the Applicant violates any of the terms and conditions of this Consent Order, including any terms and conditions of her contract with the Well-Being

Committee, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying facts, or an opportunity for a show cause hearing before the Board otherwise, may impose any sanction which the Board may have imposed in this case, including probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; and it is further

ORDERED that the Applicant shall be 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. Prov., §§ 4-101 *et seq.* (2014).



Ronald F. Moser, D.D.S.
President
Maryland State Board of Dental Examiners

CONSENT

I, Ana M. Tellez, acknowledge that I am not represented by counsel and elected not to consult with an attorney 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 voluntarily and without reservation after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

8/11/16
Date

Ana M. Tellez
Ana M. Tellez

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Frederick

I HEREBY CERTIFY that on this 11 day of August 2016,
2016, before me, a Notary Public of the foregoing State and City/County personally appear Ana M. Tellez, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.



Ana Maria Ayala
NOTARY PUBLIC
Frederick County
State of Maryland
My Commission Expires
March 30, 2019

[Signature]
Notary Public

My commission expires: 3/30/2019