

IN THE MATTER OF	*	BEFORE THE
RANDALL KAWAMURA, D.D.S.	*	MARYLAND STATE BOARD
Respondent	*	OF DENTAL EXAMINERS
License Number: 6738	*	Case Number: 2015-217

* * * * *

CONSENT ORDER

On April 20, 2016, the Maryland State Board of Dental Examiners (the "Board") charged **RANDALL KAWAMURA, D.D.S.**, (the "Respondent"), License Number 6738, with violating the Maryland Dentistry Act (the "Act"), Md. Code Ann., Health Occ. I ("Health Occ. I") §§ 4-101 *et seq.* (2014 Repl. Vol.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act under Health Occ. I § 4-315 and Md. Code Resgs. ("COMAR") 10.44.23.01:

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:

- (1) ... deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (16) Behaves . . . unprofessional, or violates a profession code of ethics pertaining to the dentistry profession;
- (20) Violates any rule of regulation adopted by the Board; [and]
- (22) Willfully makes or files a false report or record in the practice of dentistry [.]

COMAR 10.44.23.01 Unprofessional . . . Conduct.

- C. The following shall constitute unprofessional . . . conduct in the practice of dentistry, dental hygiene, or dental radiation technology:
- (2) Engaging in conduct which is unbecoming a member of the dental profession[.]

On September 21, 2016, a Case Resolution Conference was held before a committee of the Board. At the Case Resolution Conference, the Respondent was present with counsel and presented his position with respect to the Board's charges. As a resolution of this matter, the Respondent has 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 to the charges herein, 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 June 27, 1978, under License Number 6738.

2. The Respondent's license was renewed on or about June 6, 2014. The Respondent's current license expires on June 30, 2016.

II. Investigation

3. On or about June 9, 2015, the Board initiated an investigation of the Respondent based on information from the National Practitioner Data Bank that an adverse privileging action was taken against the Respondent.

4. According to the National Practitioner Data Bank, the United States Department of Navy, Bureau of Medicine and Surgery ("BUMED"), took disciplinary

action against the Respondent's clinical privileges in general dentistry and prosthodontics.

5. On or about June 6, 2014, the Respondent completed an Online License Renewal Application (the "Application") with the Board.

6. The Respondent answered "No" to the following questions in Part II of the Application, entitled "Character and Fitness Questions", which pertained to the period starting on July 1, 2012 and ending June 30, 2014:

4. Has any investigations or charges been brought against you by a hospital, related institution, or alternative health care system?

5. Have you had any denial of application for privileges, failure to renew your privileges or limitation, restriction, suspension, revocation or loss in privileges in a hospital, related health care facility, or alternative health care system?

7. In the course of the investigation, the Board's investigator made inquiries to BUMED, and discovered that the Respondent had been untruthful in answering the questions cited above.

8. With respect to question 4, the Respondent failed to disclose that, on or about September 27, 2012, BUMED initiated an investigation of the Respondent on allegations of substandard care and placed his clinical privileges at a Navy health care facility (the "Facility") in abeyance pending investigation.

9. With respect to question 5, the Respondent failed to disclose that, on or about October 26, 2012, he received notification that all of his clinical privileges at the Facility were summarily suspended effective immediately.

11. The Records received from BUMED showed that on the date the Respondent submitted his online application for renewal, BUMED had already initiated

an investigation of him, placed his clinical privileges at the Facility on abeyance, and summarily suspended his clinical privileges at the Facility. The Board recognizes that at the time the Respondent submitted his online renewal application, he had appealed for further consideration of the actions taken by BUMED against his clinical privileges at the Facility.

10. On or about June 5, 2015, the Respondent received a Final Decision on Adverse Privileging Action from the Department of Navy approving the findings of professional impairment and revocation of the Respondent's clinical privileges.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's actions, as set forth above, constitute violations of Health Occ. I §§ 4-315(a)(1), (16), (20) and (22), and COMAR 10.44.23.01C(2).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 20th day of OCTOBER, 2016, by a majority of the Board considering this case:

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

ORDERED that the Respondent is placed on **PROBATION** for a period of **TWO (2) YEARS**. During the probationary period, the Respondent must comply with the following terms and conditions:

1. The Respondent shall successfully complete a Board-approved six (6) credit hour equivalent course in ethics. The Respondent shall be

responsible for submitting written documentation to the Board of his successful completion of this course. The Respondent understands and agrees that he may not use this coursework to fulfill any requirements mandated for licensure renewal. The Respondent shall be solely responsible for furnishing the Board with adequate written verification that he has completed the course according to the terms set forth herein.

2. The Respondent shall take and pass the Board's Jurisprudence Examination for Dentists.
3. The Respondent shall pay a fine in the amount of **Two Thousand Five Hundred dollars (\$2,500)** to the Board, which may be paid through a Board-approved installment plan. The payment(s) shall be made by bank certified check or money order made payable to the Maryland Board of Dental Examiners.
4. The Respondent shall comply with the Maryland Dentistry Act and all laws, statutes and regulations pertaining thereof.

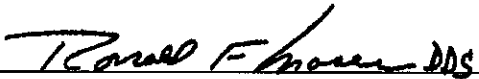
AND IT IS FURTHER ORDERED that after the conclusion of **ONE (1) YEAR** from the date of this Consent Order, the Respondent may submit a written petition to the Board requesting an early termination of probation. After consideration of the petition, the probation may be terminated, through an order of the Board, or a designated Board committee. The Board, or designated Board committee, may grant the termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying material 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 additional

probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; and it is further

ORDERED that the Respondent 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. Provisions, §§ 4-101 *et seq.* (2014 Repl. Vol.).



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

CONSENT

I, Randall M. Kawamura, 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.

12- OCT 2016
Date

Randall M. Kawamura
Randall M. Kawamura, D.D.S.

NOTARY

^{DC}
STATE OF MARYLAND
CITY/COUNTY OF Washington

I HEREBY CERTIFY that on this 12th day of October, 2016, before me, a Notary Public of the foregoing State and City/County personally appear Randall M. Kawamura, D.D.S., 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.

Terrence B. Harrison
Notary Public

My commission expires: July 31, 2017

