

IN THE MATTER OF	*	BEFORE THE MARYLAND
ESCATRINA M. SUMMERS, DRT	*	STATE BOARD OF
Respondent	*	DENTAL EXAMINERS
Certificate Number: 14401	*	Case Number: 2016-162

* * * * *

CONSENT ORDER

On November 1, 2017, the Maryland State Board of Dental Examiners (the “Board”) charged **ESCATRINA M. SUMMERS, DRT** (the “Respondent”), Certificate Number 14401, with violating the Maryland Dentistry Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 4-101 *et seq.* (2014 Repl. Vol.).

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

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

- (a) *“Dental radiation technologists” 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[.]
- (d) *Certification required for practice.* – After July 1, 1988, an individual may not practice dental radiation technology unless certified by the Board.

COMAR 10.44.19.12. Penalties for Violations of These Regulations.

- A. Subject to the hearing provisions of this chapter, the Board may . . . reprimand any certified dental radiation technologist, place any certified dental radiation technologist on probation, or suspend or revoke the certificate of any certified dental radiation technologist, if the holder of the certificate:

- (6) Violates any rule or regulation adopted by the Board; [and]
- (15) Behaves dishonorably or unprofessionally.

COMAR 10.44.19.02. Certification Required.

An individual shall be currently certified by the Board as a dental radiation technologist before the individual may practice dental radiation technology on a human being in this State.

COMAR 10.44.19.08. Prohibitions.

- A. An individual may not practice dental radiation technology on a human being in this State unless the individual is certified by the Board as a dental radiation technologist.

On April 4, 2018, a Case Resolution Conference ("CRC") was held before a committee of the Board. During the CRC, the Respondent stated that she did not take any radiographs in Maryland while her DRT certificate was non-renewed between March 1, 2013, and March 2, 2016. The Respondent explained that when she wrote in her reinstatement application that she last took a radiograph on October 15, 2015, she meant taking a radiograph in the State of Texas and not in Maryland. A search of the Texas State Board of Dental Examiners online license database showed that the Respondent was initially licensed as a dental assistant on April 24, 2013, under License Number 59573.¹ The database further showed that the Respondent's dental assistant license in Texas expired on December 31, 2014. Based on the parties' negotiation and 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:

¹ In the State of Texas, licensed dental assistants are authorized to perform dental radiation technology.

1. The Respondent was originally certified to practice dental radiation technology in the State of Maryland on October 30, 2007, under Certificate Number 14401.

2. On March 1, 2013, the Respondent allowed her Maryland dental radiation technologist certificate to expire without filing for a renewal.

3. On or about February 29, 2016, the Board received an *Application for Reinstatement of Expired 2013 Dental Radiation Technologist Certificate* (the "Reinstatement Application") from the Respondent.

4. In the Reinstatement Application, the Respondent enclosed a written statement, which stated, "To whom it may concern. I Escatrina Summers took a x-ray last October 15, 2015." The Respondent signed and notarized the written statement.

5. After the Board issued disciplinary charges against the Respondent for practicing dental radiation technology in Maryland without a license, she advised the Board that she last took a radiograph on October 15, 2015, in the State of Texas and not in Maryland.

6. Licensing information from the Texas State Board of Dental Examiners revealed that the Respondent was licensed to practice dental radiation technology as a dental assistant in Texas under License Number 59573 on April 24, 2013. The Respondent's dental assistant license in Texas expired on December 31, 2014.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's practice of dental radiation technology in Texas on October 15, 2015, when her Texas dental assistant's license had expired on December 31, 2014,

constitutes behaving unprofessionally, in violation of Health Occ. 4-505 and COMAR 10.44.19.12A(15). The Board finds that Ms. Summers was not forthright in her application to the Board. Under the COMAR 10.44.19.12A(3), applicants are required to be honest and not deceptive in their applications to the Board. Ms. Summers' lack of candor was not professional and violated the Board's regulation.

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 the Respondent is placed on **PROBATION** for a minimum of **ONE (1) YEAR**. During the probationary period, the Respondent shall comply with the following probationary terms and conditions:

- (1) The Respondent shall make an anonymous donation of \$100.00 to a Board-approved charity;
- (2) The Respondent shall perform **ten (10) hours** of Board-approved pro bono community service or dental services;
- (3) The Respondent shall successfully complete a Board-approved course, equivalent to two (2) continuing education credits, focusing on professional ethics. The Respondent shall be responsible for submitting written verification to the Board of her successful completion of the course within ten (10) days of the completion of the course. The Respondent understands and agrees that she may not use this coursework to fulfill any requirements mandated for DRT certificate renewal; and
- (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 the **ONE (1) YEAR** probationary period, the Respondent may submit a written petition to the Board

requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board. The Respondent may be required to appear before the Board or a committee of the Board to discuss her petition for termination. The Board may grant the petition to terminate the probation if the Respondent has complied with all of the probationary terms and conditions and there are no pending complaints of similar violation; 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 condition of probation or 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 Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that, unless stated otherwise in the order, any time period prescribed in this order begins when the Consent Order goes into effect. The Consent Order goes into effect upon the signature of the Board Chair; and is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT**.

Date

5/16/18



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


CONSENT

I, Escatrina M. Summers, DRT, acknowledge that had the opportunity to appear with counsel but chose not to seek counsel before entering into this Consent Order. By this Consent and for the sole 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.

5/1/2018
Date


Escatrina M. Summers, DRT
Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Harford

I HEREBY CERTIFY that on this 01 day of May,
2018, before me, a Notary Public of the foregoing State and City/County personally
appear Escatrina M. Summers, DRT, 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.

LINA M. PHANN
Notary Public
Harford County, Maryland
My Commission Expires 1/15/2022

L.M. Phann
Notary Public

My commission expires: 01/15/2022