

IN THE MATTER OF	*	BEFORE THE STATE
FEDERICK W. BURROWS, JR., D.D.S.	*	BOARD OF DENTAL
RESPONDENT	*	EXAMINERS
LICENSE NUMBER: 5184	*	CASE NUMBER: 2007-178
	*	

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**FINAL CONSENT ORDER**

The State Board of Dental Examiners (the "Board") charged Frederick W. Burrows, Jr., D.D.S. ("Respondent"), DOB: 08/17/1944, license number: 5184, under the Maryland Dentistry Act, Md. Health Occ. ("H.O.") Code Ann. §§ 4-101 *et seq.* (Repl. Vol. 2009). Specifically, the Board charges 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:

(11) Permits an unauthorized individual to practice dentistry under the supervision of the applicant or licensee;

(16) Behaves dishonorably or unprofessionally, or violates a Professional code of ethics pertaining to the dentistry profession;

(18) Violates any rule or regulation adopted by the Board.

**H.O. § 4-601 Practicing without license; aiding or abetting unauthorized practice.**

(a) Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice dentistry or dental hygiene on a human being in this State unless licensed by the Board.

**Code Md. Regs. tit. 10, § 44.01 Dental Assistants**

**.02 Exceptions.**

A. Notwithstanding any other provisions of this chapter, a dental assistant may provide the following dental assisting duties under the general supervision of a dentist for a dental sealant program:

- (1) Instructing on oral hygiene;
- (2) Cleaning and disinfecting environmental surfaces and equipment;
- (3) Preparing materials for the application of sealants;
- (4) Retracting lips, cheek, and tongue;
- (5) Placing and removing materials for the isolation of the dentition, if the material is not retained by the dentition;
- (6) Transferring instruments and sealants to a dentist or dental hygienist;
- (7) Rinsing and aspirating of the oral cavity; and
- (8) Sterilizing instruments.

B. Under general supervision of a dentist, a dental assistant may only perform the duties enumerated in §A of this regulation:

- (1) For a facility that has been granted a waiver of on-site supervision for a dental hygienist under COMAR 10.44.21; and
- (2) While assisting a dental hygienist who has received a waiver of on-site supervision under COMAR 10.44.21.

C. A dental assistant who provides dental assistant duties under this regulation shall maintain cardiopulmonary resuscitation certification from one of the following programs:

- (1) The American Heart Association's Basic Life Support for Healthcare Providers;

(2) The American Red Cross's Cardiopulmonary Resuscitation for Professional Rescuers; or

(3) An equivalent program approved by the Board.

D. A dental assistant who provides dental assistant duties under this regulation shall have at least 400 hours of dental assisting clinical practice in direct patient care

**Code Md. Regs tit. 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 radiation technology on a human being in this State.

**FINDINGS OF FACT**

The Board finds that:

1. The Respondent is licensed to practice dentistry in the State of Maryland initially receiving his license on July 17, 1972.

2. The Respondent owns and operates a dental practice located at 5960 Frederick Crossing Lane, Frederick, Maryland.

3. On or about January 22, 2007, the Board received a complaint that the Respondent was allowing his dental assistants to perform dental adjustments and take radiographs without being certified.

4. An investigation by the Board revealed that the Respondent allowed his dental assistants, A and B to take radiographs.<sup>1</sup>

5. At all times relevant herein, A and B were not certified by the Board to take radiographs.

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<sup>1</sup> In order to protect their identity, the names of A and B have not been disclosed.

6. By allowing uncertified dental assistants to take radiographs, the Respondent violated H.O. § 4-315(a) (11), (16), (18) and § 4-601 and the regulations thereunder.

### **CONCLUSIONS OF LAW**

Based on the foregoing Finding of Fact, the Board concludes that the Respondent permitted unauthorized individuals to practice dentistry under the supervision of the applicant or licensee, in violation of H.O § 4-315(a) (11), (16), (18), H.O. § 4-601 and the regulations thereunder.

### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 19<sup>th</sup> day of May 2010, the Board, by a majority of the quorum of the Board, hereby

**ORDERED** that the Respondent's license to practice dentistry is **SUSPENDED** for a period of **one (1) year** and said suspension is hereby **STAYED**; and it is further

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

1. **Pro-Bono Dental Service**

The Respondent shall perform, without remuneration, forty (40) hours of *pro bono* dental services that are pre-approved by the Board. Upon completion on the forty (40) hours of *pro bono* dental services, the Respondent shall file a written report with the Board verifying that he performed the required *pro bono dental services* and describing with particularity, the

professional services rendered. If requested by the Board, the Respondent shall make available for review records of the treatment for each *pro bono* dental service provided.

2. Donation

The Respondent shall make an anonymous donation in the amount of two thousand five hundred dollars (\$2,500.00), payable to a Board approved charitable entity. The Respondent shall submit a copy of the letter transmitting the anonymous donation and payment confirmation (e.g. carbon copy of money order or check) to the Board within sixty (60) days of the date that this Order is signed by the Board.

3. Maryland Law Examination

The Respondent shall take the Maryland Law Examination within ninety (90) days of the date that this Order is signed by the Board. The Respondent shall obtain a grade of at least a ninety percent (90%), without using any reference materials, books or other aids whatsoever (i.e., "closed book"). The Respondent may retake the examination if he does not attain a score of at least ninety percent (90%). Respondent's failure to obtain a ninety percent (90%) score after three attempts shall constitute a violation of his probation and shall result in the immediate suspension of the Respondent license, until such time as the Respondent successfully completes the

examination, closed book, with at least a ninety percent (90%).

4. Affidavit

The Respondent shall provide to the Board within sixty (60) days of the date that this Order is signed by the Board signed, (or within 30 days of the date of hire of any new employee), a Board-approved document signed by each employee verifying that they have read, reviewed, and understand the law and regulations delineating what duties they are legally permitted to perform under the Maryland Dentistry Act. A copy of the applicable law and regulations, Md. Health Occ. Code Ann. §§ 4-101, *et seq.* shall be attached to each signed document; and it is further

**ORDERED** that, if the Board receives a report that the Respondent has violated the Act or if the Respondent violates any term or condition of this Order, after providing the Respondent with notice and an opportunity for a hearing; the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of probation shall be on the Respondent to demonstrate compliance with the Order or conditions; and it is further

**ORDERED** that the Respondent shall practice in accordance with the laws and regulations governing the practice dentistry in Maryland; and it is further

**ORDERED** that, at the end of the probationary period, the Respondent may file a

written petition with the Board to be reinstated without any conditions or restrictions on his license, provided that he can demonstrate compliance with this Order. Should the Respondent fail to demonstrate compliance with this Order, the Board may impose additional terms and conditions of probation, as it deems necessary; and it is further


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

**ORDERED** that the effective date of this 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 order is a public document pursuant to Md. State Govt. Code Ann. §§ 10-601 et seq. (Repl. Vol. 2009).

5/19/10  
Date

  
Jane S. Casper, R.D.H., President  
State Board of Dental Examiners

**CONSENT OF FREDERICK W. BURROWS, Jr., D.D.S.**

I, Frederick W. Burrows, Jr., D.D.S., by affixing my signature hereto, acknowledge that:

1. I am represented by Conrad W. Varner, 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.