

IN THE MATTER OF * BEFORE THE MARYLAND
I-JUN LIN-KUNG, D.D.S. * STATE BOARD OF
Respondent * DENTAL EXAMINERS
License Number: 11674 * Case Number: 2016-056

* * * * *

CONSENT ORDER

On or about July 18, 2018, the Maryland State Board of Dental Examiners (the “Board”) charged **I-JUN LIN-KUNG, D.D.S.** (the “Respondent”), license number 11674, under the Maryland Dentistry Act, codified at Md. Code Ann., Health Occ. (“Health Occ.”) §§ 4-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.) (the “Act”) and the regulations adopted by the Board at Md. Code Regs. (“COMAR”) 10.44.01 *et seq.*

Specifically, the Board charged the Respondent with violating the following provisions of law:

Health Occ. § 4-315

(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:

- (9) Practices or offers to practice dentistry under a name other than that on the license;
- (13) Violates any restriction on advertising in § 4-503 of this title;
- (20) Violates any rule or regulation adopted by the Board;

COMAR 10.44.06.02 Prohibition of Deceptive or Misleading Statements or Claims.

- A. A dentist may not, on behalf of himself, his partner, or his associate, or for any other dentist affiliated with him, use or participate in the use of any form of public communication which contains a deceptive or misleading statement or claim.
- B. Deceptive or misleading statements or claims are those that:
 - (2) Fail to state any fact necessary to make the statement not misleading;
 - (3) Are intended or are likely to create unjustified expectations;
 - (10) Fail to include the name of a responsible licensed dentist who provides dental services at the location advertised[.]

On or about September 5, 2018, following a Case Resolutions Conference held at the Board's offices, the Respondent and the Board agreed to enter into this Consent Order in order to resolve the charges against the Respondent.

FINDINGS OF FACT

The Board finds the following facts.

1. At all times relevant hereto, the Respondent was licensed to practice dentistry in the State of Maryland. The Respondent was initially licensed on January 26, 1996. Her license is current through June 30, 2020.
2. At all times relevant hereto, the Respondent has practiced dentistry at a private practice of dentistry located at 5454 Wisconsin Ave, Suite 635, Chevy Chase, Maryland 20815 (the "Office").
3. On or about September 14, 2016, the Board received a notice of a civil claim from the Health Care Alternative Dispute Resolution Office (HCADRO) (the "Complaint"), a Maryland office that affords a venue to settle civil claims against healthcare professionals, including licensees of the Board.

4. The Complaint reported that a claim had been filed against a dentist identified as “Bonnie M. Lin, D.D.S.” who practiced at the Office. The Complaint alleged culpability for a patient death. Based on the Complaint, the Board began an investigation.

5. In furtherance of the investigation, the Board’s investigator queried the Board’s licensure database and determined that the only licensee with a similar name was Bonnie M. Lin, D.M.D., who held a license that was listed as in retired status.

6. However, internet searches revealed recent consumer reviews for a dentist currently practicing at the Office under the name Bonnie Lin, D.D.S. Therefore, the investigator attempted to verify the identity of the person currently practicing under that name.

7. Toward that end, on or about November 26, 2016, the investigator called the Office without revealing her identity and successfully scheduled an appointment with “Dr. Bonnie Lin,” ostensibly for treatment of an abscessed tooth.

8. On or about December 5, 2016, the investigator presented herself for the appointment at the Office. She was taken to an operatory by a woman wearing a white lab coat, who introduced herself as “Dr. Bonnie Lin.”

9. The woman then offered to perform a diagnostic evaluation. However, at that point, the investigator identified herself, and requested proof of licensure. The woman presented a license showing her to be the Respondent.

10. The Respondent explained that she owns a professional corporation called “Bonnie Lin, D.D.S.” and practices dentistry under that entity’s name.

11. A search of the State Department of Assessments and Taxation (SDAT) indicated that “Bonnie I. Lin, D.D.S., P.C.” was registered on November 19, 2008 and showed as the

location of its principal office the address of the Office. The articles of incorporation indicate that one of the three directors of the corporation is “Bonnie I. Lin.”

12. On or about December 13, 2016, an attorney representing the Respondent confirmed to the investigator by telephone that the Respondent practices dentistry under the name “Bonnie I. Lin, D.D.S.” The attorney also confirmed by email that “Dr. Bonnie I. Lin, D.D.S.” (i.e. the Respondent) is not the same individual as Bonnie M. Lin, D.M.D., the retired licensee.

13. In furtherance of the investigation, the investigator obtained 15 patient records from the Office. 13 of the records indicated that the patients had been treated or referred for treatment by “Bonnie I. Lin, D.D.S.”

CONCLUSIONS OF LAW

The Board concludes as a matter of law that the Respondent’s conduct as described above, including but not limited to practicing dentistry under a name other than that on the license, constitutes the violations of the Act and the regulations adopted by the Board as cited above.

ORDER

Based on the foregoing findings of fact and conclusions of law, it is, by a majority of a quorum of the Board, hereby:

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

ORDERED that the Respondent is placed on **PROBATION** for a period of **SIX (6) MONTHS**, subject to the following terms and conditions:

1. The Respondent shall pay a fine in the amount of **TWO THOUSAND FIVE-HUNDRED DOLLARS (\$2,500)** by bank certified check or money order made payable to the Maryland Board of Dental Examiners;
2. The Respondent shall immediately and permanently cease to use or condone the use in any regard, written, electronic, verbal, or otherwise, of a name other than her legal name, currently "I-Jun Lin-Kung," and shall make reasonable efforts to immediately correct the use of any other name in reference to her by any third party or in any document of any kind, including but not limited to forms, signs, business cards, advertising, social media, etc.;
3. Within thirty (30) days, the Respondent shall send a written letter to the Board detailing the steps she has taken to comply with above term;
4. Within thirty (30) days, the Respondent shall send a written letter of explanation to all current patients (defined as those to whom the Respondent has provided care in the one-year period preceding the effective date of the Consent Order) informing them of her correct legal name and instructing them to refer to her only by her legal name at all times, and the Respondent shall submit a copy of this letter to the Board; and it is further

ORDERED that the Respondent may file a petition for early termination of her probation after ninety (90) days from the date of this Consent Order. After consideration of the petition, if the Respondent has completed the probationary conditions listed above, the Board, or a designated committee of the Board, may grant or deny such petition at its sole discretion.

ORDERED that the Respondent shall comply with the Board statute and regulations regarding use of names and advertising in any capacity related to the practice of dentistry; and it is further

ORDERED that the Respondent shall immediately inform the Board in writing if she ever legally changes her name; and it is further

ORDERED that the Respondent shall at all times cooperate with the Board, any of its agents or employees, in the monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of the Consent Order; and it is further

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

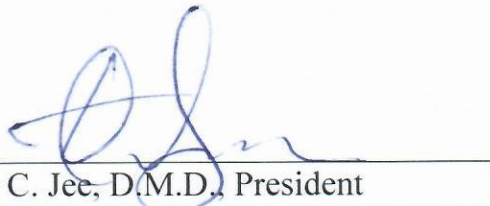
ORDERED that if the Respondent allegedly fails to comply with any term or condition of this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be an evidentiary hearing before the Board. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board; and it is further

ORDERED that after the appropriate hearing, if the Board determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice dentistry in Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; 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).

10/3/19

Date



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

CONSENT

By this Consent, I, I-Jun Lin Kung, D.D.S., agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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 as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having consulted with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its effect.

9/26/2018
Date

I-Jun Lin Kung D.D.S.
I-Jun Lin Kung, D.D.S.
The Respondent

NOTARY

STATE OF Maryland

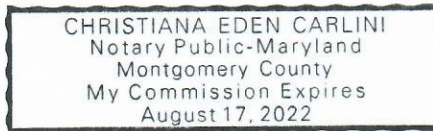
CITY/COUNTY OF: Montgomery

I HEREBY CERTIFY that on this 26 day of September 2018,

before me, a Notary Public of the State and County aforesaid, personally appeared I-Jun Lin Kung, D.D.S. and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Christina Eden Carlini
Notary Public



My commission expires: 08/17/22