

IN THE MATTER OF	*	BEFORE THE MARYLAND
MOHAMMAD ALI T. FATEMI, D.D.S.	*	STATE BOARD OF
Respondent	*	DENTAL EXAMINERS
License Number: 11720	*	Case Number: 2018-213

* * * * *

CONSENT ORDER

On July 18, 2018, the Maryland State Board of Dental Examiners (the “Board”) summarily suspended the license of **MOHAMMAD ALI T. FATEMI, D.D.S.**, (the “Respondent”), License Number 11720, and charged him 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 under Health Occ. I § 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:
 - (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession; [and]
 - (28) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control’s guidelines on universal precautions[.]

On August 1, 2018, a Case Resolution Conference was held before a committee of the Board. As a resolution of this matter, the Respondent agreed to enter 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. LICENSING BACKGROUND

1. At all times relevant, the Respondent was and is licensed to practice dentistry in the State of Maryland. The Respondent was originally licensed to practice dentistry in Maryland on March 27, 1996, under License Number 11720. The Respondent's license is current through June 30, 2020.

2. At all times relevant, the Respondent practiced general dentistry as a sole-practitioner at a dental office in Gaithersburg, Maryland (the "Dental Office").¹

3. On or about April 19, 2018, the Board received a complaint from a former patient (the "Complainant") alleging, *inter alia*, that the Respondent used "unsanitary dental tools" in his practice of dentistry.

4. Based on the complaint, the Board initiated an investigation of the Respondent and his Dental Office.

II. DISCIPLINARY HISTORY

5. Based on the disposition in a criminal case against the Respondent, the Board, in 2004, charged the Respondent with being convicted or pleading guilty to a

¹ To ensure confidentiality, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this document.

felony or to a crime involving moral turpitude, in violation of Health Occ. § 4-315(a)(4). The Respondent resolved the Board's charges by entering a Consent Order, dated December 15, 2004, in which the Board made factual findings and legal conclusions that the Respondent pleaded guilty to and was convicted of a felony and a crime involving moral turpitude, in violation of Health Occ. § 4-315(a)(4). The Board suspended the Respondent's license to practice dentistry in Maryland for one (1) year with all but four (4) months stayed followed by two (2) years of probation with the condition that he perform one hundred (100) hours of *pro bono* dental services. The Respondent successfully complied with the terms and conditions of the Consent Order, and the Board reinstated his license on May 24, 2005, and terminated his probation on April 18, 2007.

III. INFECTION CONTROL INSPECTION

6. Due to the Complainant's allegation of unsanitary dental instruments at the Respondent's Dental Office, on or about May 12, 2018, a Board-contracted infection control expert (the "Board Inspector") visited the Respondent's Dental Office and conducted an infection control inspection.

7. Initially, the Board Inspector noted that the Respondent was a sole-practitioner at a general dentistry practice. The Respondent employed a dental assistant, who was present during the inspection.

8. As part of the inspection, the Board Inspector utilized the Centers for Disease Control and Prevention Infection Prevention Checklist for Dental Settings.

9. During the inspection, the Board Inspector was able to directly observe patient treatment by the Respondent and his dental assistant.

10. Based on the inspection, the Board Inspector found the following CDC violations:

Section I: Policies and Practices

- a. **Administrative Measures** – Although the Respondent produced a written infection control policy with certain sections specific to the practice, the infection control policy was not updated, and certain sections were missing. The Respondent also did not have a “Cover Your Cough” poster posted in the reception or practice area.
- b. **Infection Prevention Education and Training** – The Respondent failed to maintain training log of personnel training (upon hire and annually) on infection prevention and bloodborne pathogens standard.
- c. **Dental Health Care Personnel Safety** – The Respondent maintained exposure control plan specific to his Dental Office. However, the section on OSHA Policy required update, and the section on Employee Training was missing the training log.
- d. **Program Evaluation** – The Respondent failed to maintain policies and procedures for routine monitoring and evaluation for infection prevention.
- e. **Hand Hygiene** – The Respondent failed to maintain personnel training log and posted protocol for hand hygiene.

- f. **Personal Protective Equipment (PPE)** – Utility gloves were available but not used during instrument processing. Sterile surgical gloves were not available in the practice for surgical procedures.
- g. **Respiratory Hygiene/Cough Etiquette** – The Respondent failed to maintain and post respiratory hygiene policies and procedures for personnel and patients. The “Cover Your Cough” poster was not posted or available.
- h. **Sharps Safety** – The Respondent complied with CDC Guidelines on Policies and Practices for Sharps Safety.
- i. **Safe Injection Practices** – The Respondent complied with CDC Guidelines on Policies and Practices for Safe Injection Practices.
- j. **Sterilization and Disinfection of Patient-Care Items and Devices** – The Respondent failed to maintain maintenance log for equipment specific to manufacturer; maintenance log for Emergency Eye Wash Station; maintenance log for spore testing; and processed sterilization pouches were not marked with date, time or load.
- k. **Environmental Infection Prevention and Control** – The Respondent failed to utilize barriers on A/W syringe, HVE and SVE suction. The Respondent also failed to document periodic monitoring and evaluation of cleaning, disinfection and use of surface barriers.

- i. **Dental Unit Water Quality** – The Respondent failed to maintain testing log for annual dental unit water testing. The dental units were connected to municipal water system.

Section II: Direct Observation of Personnel and Patient-Care Practices

- m. **Performance of Hand Hygiene** – The Board inspector observed that the Respondent and/or his assistant failed to wash their hands or use hand sanitizer before and after gloving. She further observed that the Respondent and/or his assistant failed to use sterile surgical gloves during surgical procedures nor were they available for use.
- n. **Use of Personal Protective Equipment (PPE)** – The Board Inspector observed that the Respondent changed into a new pair of examination gloves without washing his hands first; that he failed to change his mask after patient treatment; that he failed to use utility gloves during instrument processing, even though utility gloves were available; that he failed to use sterile surgical gloves during surgical procedures; that he failed to wear protective disposable long sleeve jackets correctly; and that he failed to wear ear loop face masks correctly.
- o. **Respiratory Hygiene/Cough Etiquette** – The Respondent failed to post “Cover Your Cough” poster for patients or staff to review.

- p. **Sharps Safety** – The Respondent failed to maintain documentation of disposal of sharps containers.
- q. **Safe Injection Practices** – The Respondent failed to maintain medication log for sedation medications and kept expired sedation medications in the refrigerator.
- r. **Sterilization and Disinfection of Patient-Care Items and Devices**
– The Respondent failed to date sterilization pouches after processing and failed to process hinged instruments in open position. The Respondent failed to maintain spore testing log. The implant drilling unit still had irrigation “cooling” tubing and sterile water bag attached. Surgical implant handpiece was still attached to the unit.
- s. **Environmental Infection Prevention and Control** – The Respondent failed to utilize barriers for A/W syringe, HVE and SVE suction. The Respondent failed to change barrier on radiology exposure button after use. Biohazard medical waste container was placed in staff lounge area without a lid, instead of in the treatment operatories. The Respondent also failed to maintain log of medical waste manifest for disposal.
- t. **Dental Unit Water Quality** – The Respondent failed to maintain testing log for annual dental unit water testing. The dental units were connected to municipal water system. The implant drilling unit

still had irrigation “cooling” tubing and sterile water bag attached.

Surgical implant handpiece was still attached to the unit.

12. Based on her observations and inspection, the Board Inspector determined that the Respondent’s dental practice at his Dental Office posed a risk to patient and staff safety.

13. As a result of the Board Inspector's findings, the Respondent proactively retained an infection control consultant to assist him with CDC policies and procedures. The Respondent's consultant has provided the Board with a favorable report of the Respondent's compliance with CDC Guidelines.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's failure to comply with CDC Guidelines in his practice of dentistry at his Dental Office constitutes: behaving dishonorably or unprofessionally, or violating a professional code of ethics pertaining to the dentistry profession, in violation of Health Occ. § 4-315(a)(16); and except in an emergency life-threatening situation where it is not feasible or practicable, failing to comply with the Centers for Disease Control's guidelines on universal precautions, in violation of Health Occ. § 4-315(a)(28).

ORDER

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

ORDERED that the Board's *Order for Summary Suspension* of the Respondent's license to practice dentistry in the State of Maryland, issued on July 18, 2018, is hereby **TERMINATED**; and it is further

ORDERED that the Respondent is hereby **REPRIMANDED**, and it is further

ORDERED that the Respondent is placed on **PROBATION** for a period of **TWO**

(2) YEARS, subject to the following terms and conditions:

1. A Board-assigned inspector shall conduct an unannounced inspection within ten (10) business days of the date of this Consent Order in order to evaluate the Respondent and his staff regarding compliance with the Act and infection control guidelines. The Board-assigned inspector shall be provided with copies of the Board's file, the Consent Order, and any other documentation deemed relevant by the Board.
2. The Respondent shall provide to the Board-assigned inspector a schedule of his office's regular weekly hours of practice and promptly apprise the inspector of any changes.
3. During the probationary period, the Respondent shall be subject to quarterly unannounced onsite inspections by a Board-assigned inspector.
4. The Board-assigned inspector shall provide inspection reports to the Board within ten (10) business days of the date of each inspection and may consult the Board regarding the findings of the inspections.
5. The Respondent shall, at all times, practice dentistry in accordance with the Act, related regulations, and shall comply with CDC and Occupational Safety and Health Administration's ("OSHA") guidelines on infection control for dental healthcare settings.
6. Any non-compliance with the Maryland Dentistry Act, all related statutes and regulations, and CDC and OSHA guidelines shall constitute a violation of probation and of this Consent Order.

7. On or before the fifth day of each month, the Respondent shall provide to the Board a copy of his current patient appointment book for that month.
8. Within six (6) months, the Respondent shall pay a fine in the amount of **TWO THOUSAND FIVE-HUNDRED DOLLARS** (\$2,500), of which five (5) hundred dollars (\$500) is **STAYED**, by bank certified check or money order made payable to the Maryland Board of Dental Examiners.
9. Within six (6) months of the date of this Consent Order, the Respondent shall successfully complete a Board-approved in-person four (4) credit hour course(s) in infection control protocols, which may not be applied toward his license renewal.
10. The Respondent may file a petition for early termination of his probation after one (1) year from the date of this Consent Order. After consideration of the petition, the Board, or a designated committee of the Board, may grant or deny such petition at its sole discretion.

AND IT IS FURTHER ORDERED that after the conclusion of the **TWO (2)** 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, 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 of similar nature; and it is further

ORDERED that if the Board has reason to believe that the Respondent has failed to comply with any term or condition of probation or 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

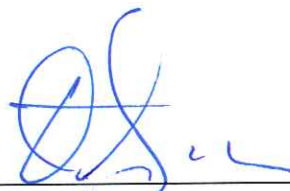
ORDERED that after the appropriate hearing, if the Board determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke 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 the Respondent shall at all times cooperate with the Board, any of its agents or employees, and with the Board-assigned inspector, in the monitoring, supervision and investigation of the Respondent's compliance with the terms and conditions of this Consent Order

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).

8/1/19
Date



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


CONSENT

I, Mohammad Ali T. Fatemi, 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.

8/1/18
Date



Mohammad Ali T. Fatemi, D.D.S.
The Respondent

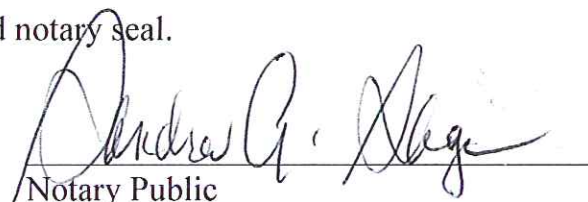
NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 1st day of August, 2018, before me, a Notary Public of the foregoing State and City/County personally appear Mohammad Ali T. Fatemi, D.D.S., 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.


Notary Public

My commission expires: