

<p><b>IN THE MATTER OF</b></p> <p><b>VIJAYALAKSHMI N. JESSON, D.D.S.</b></p> <p style="padding-left: 40px;"><b>Respondent</b></p> <p><b>License Number: 12246</b></p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p><b>BEFORE THE MARYLAND</b></p> <p><b>STATE BOARD OF</b></p> <p><b>DENTAL EXAMINERS</b></p> <p><b>Case Number: 2019-032<sup>1</sup></b></p>
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**CONSENT ORDER**

On October 19, 2018, the Maryland State Board of Dental Examiners (the “Board”) summarily suspended the license of **VIJAYALAKSHMI N. JESSON, D.D.S.**, (the “Respondent”), License Number 12246, and charged her with violating the Maryland Dentistry Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 4-101 *et seq.* (2014 Repl. Vol.).

The Board charged the Respondent with violating the following provisions of the Act under 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;
  - (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession; [and]

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<sup>1</sup> The findings set forth in this Consent Order are strictly limited to the Board’s findings with respect to the Respondent’s compliance with Centers for Disease Control and Prevention (“CDC”) Guidelines in her dental practice. Case Number 2019-032 may include non-CDC related issues that the Board continues to investigate. The Board is not foreclosed from later bringing additional disciplinary charges against the Respondent.

- (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 November 7, 2018, the Respondent appeared before the Board for a Show Cause Hearing. On November 14, 2018, the Board denied the Respondent's request to vacate the summary suspension order.

On November 21, 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 September 14, 1998, under License Number 12246. The Respondent's license is current through June 30, 2020.

2. At all times relevant, the Respondent practiced general dentistry at Convenient Dental Care (the "Dental Office"), 1726 North Rolling Road, Baltimore, Maryland 21244.

3. On or about August 27, 2018, the Board received a complaint from a patient (the "Patient"), who alleged, among other issues, that the Respondent's Dental Office and dental instruments were not clean.

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

## **II. INFECTION CONTROL INSPECTION**

5. Due to allegations in the complaint of unsanitary conditions at the Respondent's Dental Office, on or about September 7, 2018, a Board-contracted infection control expert (the "Board Inspector") and a Board investigator visited the Respondent's Dental Office for the purpose of conducting an infection control inspection.

6. The Board Inspector and the Board investigator arrived at the Respondent's Dental Office at approximate 9:30 a.m. Initially, they noticed patients present waiting to be seen. The Board Investigator noticed a stack of name cards at the front desk identified the Respondent as "Dr. Viji Jesson (Viji)." They introduced themselves and met the Respondent in a rear staff area, where they explained the purpose of their visit.

7. Through their conversation with the Respondent, the Board Inspector and Board Investigator learned that another dentist ("Dentist A"), who contracted with the Respondent to provide dental services at the Dental Office once a week, was supposed to treat patients that day. The Respondent was able to identify Dentist A, who was then leaving the Dental Office through the rear door.

8. The Board Investigator looked for Dentist A and found him in the front parking lot waiting in a vehicle. Dentist A waited for approximately twenty minutes before the Board Investigator approached him. The Board Investigator asked Dentist A

whether he was scheduled to treat patients at the Dental Office that day, which he affirmed.

9. In the meantime, the Board Inspector requested the Respondent to provide the Dental Office's policies, manuals, training logs and maintenance logs relating to CDC compliance, which the Respondent was unable to produce. The Respondent stated that all the paperwork for the Dental Practice was with a consultant for update.

10. Prior to the inspection, the Board Inspector noted the following individuals present: the Respondent, Dentist A, a receptionist, a dental assistant (the "Dental Assistant") and patients. The layout of the Dental Practice consisted of a receptionist/waiting area with a long hallway to the left side leading to three treatment operatories to the right. At the end of the hall way was the instrument processing and sterilization area. A restroom was located in the rear of the Dental Practice along with a rear exit. A panoramic imaging unit was located adjacent to one of the operatories.

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

12. During the inspection, the Board Inspector was able to directly observe patient treatment by Dentist A and the Dental Assistant.

13. At the time of the inspection, the Respondent was unable to produce the following documents relating to policies and procedures: practice policy manual, infection prevention education and training, dental health care personnel safety, program evaluation, hand hygiene, personal protective equipment ("PPE"), respiratory hygiene/cough etiquette, sharps safety, safe injection practices, sterilization and

disinfection of patient care items, environmental infection prevention and control, and dental water unit quality. The Respondent provided the above-requested documents by the end of the day on September 7, 2018, and September 10, 2018.

14. During the inspection, the Board Inspector found the following CDC violations:

- a. Failure to perform hand hygiene correctly – Dentist A and Dental Assistant were inconsistent as to washing hands or using hand sanitizer after removing gloves.
- b. Failure to display Hand Hygiene Protocol Posting.
- c. Failure to have available surgical gloves for surgical procedures and the use of dental mask for multiple procedures.
- d. Failure to identify as to load or date of process sterilization of patient care instruments.
- e. Failure to follow “Single Loop” sequence for instrument processing.
- f. Incorrect use of disinfectant after patient treatment.
- g. Inconsistent use of barriers on SVE/HVE and A/W syringe.
- h. Incorrect management of self-contained water container – Bottle was rinsed with water from municipal faucet and not treated with tablets prior to refill.
- i. Failure to display “Cover Your Cough” and “We Take Precautions for You” posters.

- j. Failure to provide hand sanitizer and tissues in patient reception area.
- k. Failure to maintain log for emergency eye wash.

15. Based on his observations and inspection, the Board Inspector determined that the Respondent's practice of dentistry her Dental Office under the current operating conditions posed a risk of cross contamination and patient/staff safety.

16. 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 her practice of dentistry at her 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 § 4-315(a)(28).

The Board further concludes that the Respondent's use of the name "Dr. Viji Jesson (Viji)" in her practice of dentistry instead of the name "Vijayalakshmi N. Jesson" under which she registered for her license constitutes practicing dentistry under a name other than that on the license, in violation of Health Occ. § 4-315(a)(9).

## 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 October 19, 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 her 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 her 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 her current patient appointment book for that month.
8. Within ninety (90) days, the Respondent shall pay a fine in the amount of **TWO THOUSAND FIVE-HUNDRED DOLLARS** (\$2,500) with all by **FIVE-HUNDRED DOLLARS** (\$500) **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. The Respondent may submit verification of the infection control course(s) she recently took to the Board for approval toward satisfying this condition.
10. The Respondent may file a petition for early termination of her 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

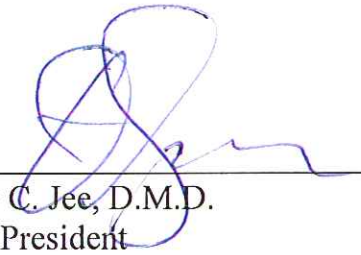
**ORDERED** that after the appropriate hearing, if the Board determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or 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).

11/21/18  
Date

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

**CONSENT**

I, Vijayalakshmi N. Jesson, 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.

11/21/18  
Date

Vijayalakshmi N. Jesson  
Vijayalakshmi N. Jesson, D.D.S.  
Respondent

**NOTARY**

STATE OF MARYLAND  
CITY/COUNTY OF BALTIMORE

I HEREBY CERTIFY that on this 21<sup>ST</sup> day of NOVEMBER  
      , 2018, before me, a Notary Public of the foregoing State and City/County  
personally appear Vijayalakshmi N. Jesson, 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.



Sharon Ower  
Notary Public

My commission expires: 7/19/2021