

IN THE MATTER OF

\*

BEFORE THE

RUBEENA HOSAIN, D.M.D.

\*

STATE BOARD OF

RESPONDENT

\*

DENTAL EXAMINERS

License Number: 13117

\*

Case Number: 2014-231

\* \* \* \* \*

CONSENT ORDER<sup>1</sup>

On July 6, 2015, the State Board of Dental Examiners (the "Board") charged RUBEENA HOSAIN, D.M.D. (the "Respondent"), License Number 13117, with violating the following probationary terms and conditions of her August 25, 2014 Consent Order:

...

**ORDERED** that...Respondent shall be placed on **PROBATION** for a minimum of **TWO (2) YEARS** from the date the suspension is lifted under the following terms and conditions:

1. Within **TWO (2) WEEKS** from the date the suspension is lifted, the Respondent shall have a Board-approved consultant evaluate her current dental office for compliance with CDC guidelines during a full day of patient care, consisting of two (2) to five (5) patients;
2. Within **FOUR (4) MONTHS** of the date the Suspension is lifted, a Board-approved consultant shall conduct an unannounced inspection to re-evaluate the Respondent's current dental office for compliance with CDC guidelines and to train the Respondent and each employee of the office in applying the CDC guidelines to the dental practice;
- ...
8. Within six (6) months of this Consent Order, the Respondent shall complete a Board-approved infection control course. The course shall not

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<sup>1</sup> This Consent Order supersedes the August 25, 2014 Consent Order, which imposed two years of probation, by incorporating and extending the terms and conditions of probation.

be applied to her required continuing education credits required for continued licensure[.]

...and be it further

**ORDERED** that any violation of the terms or conditions of this Consent

Order shall be deemed a violation of this Consent Order; and be it further

**ORDERED** that if Respondent violates any of the terms or conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Board, may impose any sanction which the Board may have imposed in this case under §§ 4-315 and 4-317 have imposed in this case under §§ 4-315 and 4-317 of the Dental Practice Act, including additional probationary terms and conditions, reprimand, suspension, revocation and/or a monetary penalty, said violation of probation being proved by a preponderance of the evidence[.]

...

On September 16, 2015, the Respondent appeared before a Case Resolution Conference Committee ("CRC") to discuss the pending charges and a potential resolution of the charges. Following the CRC, the parties agreed to enter into this Consent Order as a means of resolving this matter.

### **FINDINGS OF FACT**

The Board finds:

### **BACKGROUND**

1. At all times relevant to these Charges, the Respondent was licensed to practice dentistry in the State of Maryland. The Respondent was initially licensed to practice dentistry in Maryland on or about December 7, 2001, under License Number 13117.

2. On July 22, 2014, the Board summarily suspended the Respondent's license to practice dentistry based on investigative findings that the Respondent had failed to comply with an inspection by an independent infection control consultant that

revealed serious Centers for Disease Control ("CDC")<sup>2</sup> violations of its guidelines for infection control.

3. On August 6, 2014, the Board charged the Respondent under the Maryland Dentistry Act, specifically, under Md. Code Ann., Health Occ. § 4-315(a)(16) and (28), based on the Board's investigative findings in ¶ 2.

4. On August 25, 2014, in resolution of the Board's August 6, 2014 Charges, the Respondent entered into a Consent Order with the Board that terminated the suspension of her license, and imposed two years of probation with terms and conditions.

5. Pursuant to the Consent Order, the Respondent's two year probationary period commenced on August 25, 2014.

6. At all times relevant to these Charges, the Respondent operated a general dental practice at an office located in Towson, Maryland ("Towson office"). The Respondent is a solo practitioner.

7. The Respondent failed to comply with several terms and conditions of her probation as set forth below.

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<sup>2</sup> The Centers for Disease Control and Prevention ("CDC") is a federal agency dedicated to designing protocols to prevent the spread of disease. The CDC has issued guidelines for dental offices which detail the procedures deemed necessary to minimize the chance of transmitting infection both from one patient to another and from the dentist, dental hygienist and dental staff to and from the patients. These guidelines include some very basic precautions, such as washing one's hands prior to and after treating a patient, and also sets forth more involved standards for infection control. Under the Act, all dentists are required to comply with the CDC guidelines which incorporate by reference Occupational Safety and Health Administration's ("OSHA") final rule on Occupational Exposure to Bloodborne Pathogens (29 CFR 1910.1030). The only exception to this rule arises in an emergency which is: 1) life-threatening; and (2) where it is not feasible or practicable to comply with the guidelines.

**FINDINGS OF FACT RELATING TO VIOLATION OF  
CONDITIONS OF CONSENT ORDER**

**CONDITION #1**

8. Condition #1 of the Consent Order provides:

Within **TWO (2) WEEKS** from the date the suspension is lifted, the Respondent shall have a Board-approved consultant evaluate her current dental office for compliance with CDC guidelines during a full day of patient care, consisting of two (2) to five (5) patients[.]

9. The Consent Order required the Respondent to comply with Condition #1 on or before September 9, 2014.

10. By electronic correspondence dated August 22, 2014, the Respondent, through her attorney, notified the Board that the Respondent had hired Ms. M as her "CDC consultant" and "tentatively" engaged her for the full day of patients on "Thursday."

11. The Respondent failed to submit or ensure the consultant submitted a report of her evaluation.

12. On November 3, 2014, the Board notified the Respondent in writing that the Consent Order required her to satisfy Condition #1 on or before September 9, 2014.

13. Approximately 60 days late, on November 7, 2014, the Respondent submitted to the Board copies of Ms. M's CDC compliance evaluation that had been conducted on August 28, 2014 and September 30, 2014.<sup>3</sup>

**CONDITION #2**

14. Condition #2 of the Consent Order provides:

Within **FOUR (4) MONTHS** the date the Suspension is lifted, a Board-approved consultant shall conduct an unannounced inspection to re-

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<sup>3</sup> Dr. M notified the Board's staff that she had provided copies of the reports to the Respondent one month earlier, on October 8, 2014.

evaluate the Respondent's current dental office for compliance with CDC guidelines and to train the Respondent and each employee of the office in applying the CDC guidelines to the dental practice[.]

15. The Consent Order required the Respondent to comply with Condition #2 on or before December 25, 2014.

16. The Respondent failed to comply with Condition #2 within the required time frame of the Consent Order.

17. By letter dated April 8, 2015, the Board's staff notified the Respondent of her noncompliance of Condition #2.

18. As of May 4, 2015, the Respondent failed to provide the Board with the unannounced inspection report required by Condition #2 of the Consent Order.

19. On May 4, 2015, the Board's staff sent the Respondent an electronic message reiterating that she was in violation of the terms of her Consent Order, and attached a copy of the April 8, 2015 letter cited in ¶ 17.

20. On May 5, 2015, the Respondent responded to the Board in writing stating:

I was under the impression the board would send in an inspector, and that I was providing my monthly schedule in order for this to take place. I did not receive any notice in regards to it being mandated that I hire an inspector for the unannounced inspections to take place, or the dates of the deadline. I am now reaching out to hire a board approved inspector as soon as possible.

21. On or about May 26, 2015, the Board received an unsigned report from Ms. M. dated May 16, 2015 documenting an unannounced site inspection she had conducted on May 15, 2015. Ms. M found the inspection of the Respondent's office to be in compliance.

**CONDITION #8**

22. Condition #8 of the Consent Order provides:

Within six (6) months of this Consent Order, the Respondent shall complete a Board-approved infection control course. The course shall not be applied to her required continuing education credits required for continued licensure;

23. The Consent Order required the Respondent to complete the Board-approved course on or before February 25, 2015.

24. To date, the Respondent has failed to request Board approval for an infection control course.

25. On June 1, 2015, the Respondent completed a two-hour course entitled "Infection Control FAQs" which was presented by an infection control nurse who has been used by the Board as an infection control consultant. On or about July 13, 2015, the Respondent submitted the verification of her participation to the Board.

26. Based on the foregoing, the Respondent's actions and inactions constitute a failure to comply with Conditions 1, 2 and 8 of the Consent Order.

**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated Conditions 1, 2 and 8 of the August 25, 2014 Consent Order.

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21<sup>st</sup> day of October, 2015, by a majority of the quorum of the Board, hereby

**ORDERED** that the Respondent's **PROBATION** imposed by the Board's August 25, 2014 Consent Order is extended until December 31, 2016, under the following terms and conditions:

1. The Respondent shall notify the Board prior to changing the location of her practice or adding any practice location, in order for the Board to modify or amend this Consent Order to require any necessary terms or conditions including but not limited to pre-opening the practice and random inspections;
2. The Respondent shall provide to the Board, on or before the fifth (5<sup>th</sup>) day of each month, a listing of her regularly scheduled days and hours for patient care for each office where the Respondent practices dentistry;
3. The Respondent shall be subject to three (3) additional unannounced inspections by an assigned Board-approved infection control consultant, or other Board-approved agent, during her probationary period. These unannounced inspections shall be arranged for by the Respondent. The inspections shall be of all offices where the Respondent practices dentistry. The Respondent shall request that the consultant or agent provide the respective reports to the Board within ten (10) days of the date of the respective inspections. It is the Respondent's responsibility to ensure that the Board received copies of the respective reports. The consultant or agent may consult with the Board regarding the findings of the inspections;
4. Based on the unannounced inspections, if the Board makes a finding that Respondent is not in compliance with CDC guidelines in any office where the Respondent practices dentistry, it shall constitute a violation of this Consent Order, and it may, in the Board's discretion, be grounds for immediately suspending Respondent's license. In the event that Respondent's license is suspended under this provision, she shall be afforded a Show Cause Hearing before the Board to show cause as to why her license should not be suspended or should not have been suspended.
5. In 2016, the Respondent shall complete a Board-approved infection control course. It is the Respondent's responsibility to contact the Board prior to enrolling in the course, to ensure the course she enrolls in and successfully completes is approved by the Board. The course shall not be applied to her required continuing education credits required for continued licensure;

6. The Respondent shall complete all required continuing education courses required for renewal of her license. No part of the training or education that she receives in compliance with this Consent Order shall be applied to her required continuing education credits;

7. The Respondent shall comply with CDC guidelines, including Occupational Safety and Health Administration's ("OSHA") for dental healthcare settings;

8. The Respondent shall be responsible for all costs associated with fulfilling the terms of the Consent Order;

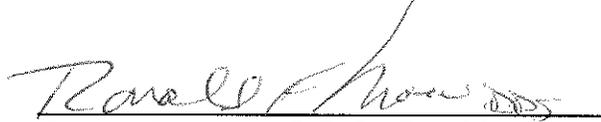
9. The Respondent shall practice according to the Maryland Dentistry Act and in accordance with all applicable laws; and be it further

**ORDERED** that any violation of the terms or conditions of this Consent Order shall be deemed a violation of this Consent Order; and be it further

**ORDERED** that if Respondent violates any of the terms or conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Board, may impose any sanction which the Board may have imposed in this case under §§ 4-315 and 4-317 of the Dental Practice Act, including additional probationary terms and conditions, reprimand, suspension, revocation and/or a monetary penalty, said violation of probation being proved by a preponderance of the evidence; and be it further

**ORDERED** that after a minimum **TERM OF PROBATION until December 31, 2016**, 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 Board will grant the termination if Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; and be it further

**ORDERED** that this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101-4-601 (2014).



Ronald F. Moser, D.D.S., President  
Maryland State Board of Dental Examiners

**CONSENT**

I, Rubeena Hosain, D.M.D., acknowledge that I am represented by counsel and have consulted with counsel before entering 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 I might have filed 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 the Consent Order.

10-15-15  
Date

RHosain  
Rubeena Hosain, D.M.D.

Reviewed by:

Mary Keating  
Mary Keating, Esquire

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 15<sup>th</sup> day of October 2015, before me, a Notary Public of the foregoing State and City/County, Rubeena Hosain, D.M.D. personally appeared , 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 notarial seal.

Mary T Keating  
Notary Public

My Commission expires: 3-3-2017

