

IN THE MATTER OF

*

BEFORE THE STATE

AZAD M. ALLY, DDS

*

BOARD OF DENTAL

APPLICANT

*

EXAMINERS

*

CASE NUMBER: 2013-061

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FINAL ORDER OF DENIAL OF APPLICATION FOR DENTAL LICENSURE BY EXAMINATION

The State Board of Dental Examiners (the "Board") notified Azad M. Ally, DDS ("the Applicant") of the Board's intent to deny his Application for Dental Licensure by Examination under the Maryland Dentistry Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 4-101*et seq.* (Repl. Vol. 2009). The pertinent provisions state:

H.O. §4-302. Qualification of applicants

- (a) Except as otherwise provided in this title, to qualify for a license, an applicant shall be an individual who meets the requirements of this section.
- (b) The applicant shall be of good moral character.

**H.O. §4-315. Denials, reprimands, probations, suspensions and revocations-
Grounds.**

- (a) 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:

FINDINGS OF FACT

The Board finds that:

BACKGROUND

1. On or about May 18, 2011, the Applicant filed an Application for Dental Licensure by Examination ("Dental Licensure").
2. On or about July 14, 1994, the Applicant was originally issued a license to practice dentistry in the State of Maryland.
3. On or about November 1, 2000, the Applicant was charged with violating H.O. § 4-315 (a) (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession, and (20) Willfully makes or files a false report or record in the practice of dentistry.
4. On or about February 21, 2001, the Applicant entered into a consent order with the Board. The Board concluded that the Applicant violated H.O. § 4-315 (a) (16) and (20) after the Board determined that the Applicant signed and submitted insurance forms to an insurance company for work he had not performed on a patient.
5. The Applicant received a reprimand and he was ordered to pay a fine in the amount of one thousand, two hundred and fifty dollars (\$1250). The Applicant was also placed on probation for one (1) year, ordered to take a Board approved ethics course, and required to submit to a Board review of his patient and billing records.
6. On or about January 29, 2002, the Board conducted a CDC inspection of the Applicant's dental office after receiving a complaint regarding the Applicant's infection control practices.¹
7. On or about February 12, 2002, the Board summarily suspended the Applicant's license, after a CDC investigation revealed that the Applicant was practicing

dentistry in filthy conditions. The Board found that the Applicant's violations of CDC universal precautions were egregious enough that the public health, safety and welfare required the emergency suspension of the Applicant's license.

8. On or about February 20, 2002, the Applicant entered into a consent order with the Board.

9. Under the terms and conditions of the February 20, 2002 consent order, the Board suspended the Applicant's license for six (6) months with a portion of the suspension stayed.

10. The Applicant was also placed on probation for three (3) years. He was required to pay a civil fine in the amount of one thousand five hundred dollars (\$1500) and ordered to abide by the probationary conditions set forth in the February 20, 2002, consent order.

11. On or about April 7, 2004, the Board notified the Applicant of the Board's intent to revoke the Applicant's license for violations of the Maryland Dentistry Act and for violating probationary conditions set forth in the February 20, 2002, consent order.

12. On or about July 21, 2004, the Board revoked the Applicant's license to practice dentistry. The Board concluded that the Applicant violated the probationary conditions set forth in the February 20, 2002, consent order and violated the Maryland Dentistry Act.

13. The Board found that the Applicant (1) failed to respond truthfully and accurately on his application for credentialing with a health insurance carrier; (2) billed for services not rendered; (3) submitted insurance claim forms to a health care carrier in order

¹ The Center for Disease Control (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 and the dentist's staff to and from patients.

to collect fees for work that he had not performed; and (4) provided false information to the Board in response to a Board subpoena for a patient's dental records.

14. On or about December 7, 2007, the Applicant submitted a Licensure Application.

15. The 2007 Licensure Application required the Applicant to answer certain character and fitness questions. One Question posed to the Applicant was:

Have you pled guilty, nolo contendere, had a conviction, or receipt of probation before judgment or other diversionary disposition of any criminal act, excluding minor traffic?

16. The Applicant answered "no" to this question. The Applicant failed to respond truthfully and accurately to the question.

17. A Board investigation revealed that in 2006, the Applicant pled guilty in the Baltimore City Circuit Court to one (1) count of felony theft.

18. On or about August 20, 2008, the Board denied the Applicant's 2007 Licensure Application.

19. The Board concluded that the Applicant failed to meet the requirements for licensure under H.O. §4-302 and he was in violation of H.O. §§ 4-315 (a) (1), (4), (16), (19), and (20).

20. The allegations as set forth in paragraphs 1-19 are grounds for disciplinary action in Maryland and constitute a basis for denial of Applicant's 2010 Licensure Application under H. O. §§ 4-315 (a) (1),(4),(16), (19), and (20).

21. The allegations as set forth in paragraphs 1-19 indicate that the Applicant lacks good moral character and constitutes grounds for denial of his Licensure Application under H.O. §4-302(b)(2).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Applicant lacks good moral character and, therefore, fails to meet the qualifications for licensure under H.O. §4-302. The Board also concludes that in prior disciplinary proceedings the Applicant's conduct as set forth in the findings of fact, was found to be a violation of H.O. §§ 4-315 (a) (1),(4),(16), (19), and (20).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, on this 15th day of October 2014, the Board hereby:

ORDERED that the Licensure Application of Azad M. Ally, DDS is hereby **DENIED**; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-601 *et seq.* (2009 Repl. Vol.), 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 be it further

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

10/15/2014
Date

Maurice Miles DDS
Maurice S. Miles, D.D.S., President
State Board of Dental Examiners

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. §4-396 (Repl. Vol. 2006), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt of this Order and shall be made as provided for judicial review of a final decision in the Md. State Govt. Code Ann. §§ 10-201 *et seq.* (Repl. Vol. 2009), and Title 7, Chapter 200 of the Maryland Rules.