

IN THE MATTER OF  
MARY B CROSS, D.R.T.  
CERTIFICATE NO. 5416

\* BEFORE THE STATE  
\* STATE BOARD  
\* OF  
\* DENTAL EXAMINERS  
\* Case Number: 2008-145

Respondent

\* \* \* \* \*

**ORDER**

On July 20, 2010, the State Board of Dental Examiners (“the Board”) charged Mary B. Cross, Dental Radiation Technologist, DRT (“the Respondent”) with violation of certain provisions of the Consent Order signed by the Respondent on March 24, 2009 and by the Board on April 1, 2009. Additionally the Board charged the Respondent with practicing dental radiation technology without a valid Board certificate. The Board held a hearing on this matter on April 18, 2012. A quorum of the Board was present. Natasha Wesker, Administrative Prosecutor, presented the State’s case against the Respondent.

The hearing was scheduled to start at 1:00 pm. In order to give the Respondent every opportunity to appear before the Board at the hearing, the Board gave the Respondent an additional 10 minutes to arrive. Even with the additional time allotted, the Respondent failed to appear. Given that the Respondent did not request a postponement for the hearing, the Board was left with no other option but to start the hearing in her absence. The Board did not start the hearing until just after 1:10 pm. In accordance with Md. Code Ann., Health Occ. § 4-318(g), the Board held a hearing ex parte.

### SUMMARY OF THE EVIDENCE

Ms. Sharon Oliver, who is the Board's compliance secretary, was present and available to testify on behalf of the state. The state introduced Exhibits 1-13 into evidence. The Board makes the following findings of fact and conclusions of law based on its review of the entire record.

### FINDINGS OF FACT

The Board makes the following findings of facts:

1. The Respondent became certified to practice dental radiation technology in the State of Maryland on December 5, 1985.
2. On or before February 28, 2007, the Respondent failed to renew her certification, allowing it to expire on March 1, 2007.
3. The Respondent did not attempt to renew her certification during the Board's late renewal grace period ending April 1, 2007. Effective April 2, 2007, the Respondent was not certified to practice as a dental radiation technologist ("DRT") in the State of Maryland.
4. On or about October 23, 2007, the Board received correspondence from the Respondent's employer at that time (Dentist A), who indicated that the Respondent had been practicing dental radiation technology from September 7, 2007 to October 15, 2007.
5. On or about October 23, 2007, the Respondent submitted to the Board an Application for Reinstatement of her Expired 2007 Dental Radiation Technologist Certificate ("Reinstatement Application"). In section II of her Reinstatement Application,

the Respondent admitted that she had practiced as a DRT in the employ of Dentist A from September 7, 2007 through October 15, 2007. She also admitted that she was "late on renewal" of her application.

6. By letter dated March 24, 2008, the Board advised the Respondent that her practice of dental radiation technology after April 2, 2007 constituted a violation of the Act.

7. The Board offered to resolve the matter through the execution of a non-public Consent Agreement ("Consent Agreement"). On two separate occasions, March 24, 2008 and April 17, 2008, the Board gave the Respondent an opportunity to sign the Consent Agreement. On both occasions the Respondent failed to either contact the Board or return the executed document prior to the specified deadline.

8. By letter dated March 4, 2009, the Board advised the Respondent that she had violated the Act and that a Case Resolution Conference had been scheduled for March 18, 2009. The Board also gave the Respondent a third opportunity to enter into the Consent Agreement.

9. The Respondent executed the Consent Agreement on or about March 24, 2009. The Board accepted the Consent Agreement on or about April 1, 2009.

10. Pursuant to the Consent Agreement, the Respondent was required to:

(a) submit proof of a \$100 anonymous donation to a Board approved charitable organization no later than September 14, 2009; and

(b) submit proof of completion of ten (10) hours of Board approved pro bono community service or dental services no later than September 14, 2009.

11. The Respondent formally acknowledged that she understood that if she failed

to comply with the terms, the Board could charge her with a violation of the Consent Agreement.

12. The Respondent failed to comply with any of the above conditions set forth in the Consent Agreement. Despite numerous requests, both verbally and in writing, the Respondent failed to submit proof to the Board of her anonymous donation or pro bono service.

### CONCLUSIONS OF LAW

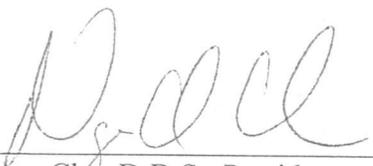
Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's failure to comply with the conditions set forth in the Consent Agreement constitutes, in whole or in part, a violation of H.O. §4-505 and COMAR §§ 10.44.19.02, 10.44.19.05 (F) and (G), 10.44.19.07 A and 10.44.19.11 A (6), (12) and (15). Furthermore the Respondent's practice of dental radiation technology without a valid Board Certification constitutes, in whole or in part, violations of H.O. § 4-505 and COMAR §§ 10.44.19.02, 10.44.19.05 (F) and (G), 10.44.19.07 A and 10.44.19.11 A (6), (12) and (15).

### ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

**ORDERED** that the license of the Respondent to practice as a D.R.T. in the state of Maryland is hereby **SUSPENDED** for three (3) years.

8/1/12  
Date

  
Ngoc Quang Chu, D.D.S., President  
Maryland Board of Dental Examiners

**NOTICE OF RIGHT TO APPEAL**

Any person aggrieved by a final decision of the Board under Md. Health Occ. Code Ann. § 4- 319(a) may take a direct judicial appeal within thirty (30) days as provided by Md. Health Occ. Code Ann. § 4- 319(b), Md. State Gov't Code Ann. § 10- 222 and Title 7, Chapter 200 of the Maryland Rules, including Md. Rule 7-203 ("Time for Filing Action").