

IN THE MATTER OF	*	BEFORE THE STATE
LAURIE ANN SOLLER, D.D.S	*	BOARD OF DENTAL
RESPONDENT	*	EXAMINERS
LICENSE NO. 10358	*	CASE NUMBERS: 2010-295, 297, 301; 2011-003,005 and 006

* * * * *

PRE-CHARGE CONSENT ORDER

On or about May 6, 2010, the State Board of Dental Examiners ("the Board") opened an investigation of **Laurie Ann Soller, D.D.S. (the "Respondent")**, D.O.B. **05/09/61**. Based upon its investigation, the Board has grounds to charge the Respondent under the Maryland Dentistry Act ("the Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 4-101, *et seq.* (2009 Repl. Vol. and 2010 Supp.) and pursuant to Md. Health Gen. Code Ann. ("H.G.") § 4-304 (a)(1).

The pertinent provisions of the Act state:

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

(a) *License to practice dentistry.* - 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

(16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the practice of dentistry.

The pertinent provision of H.G. § 4-304 states:

(a)(1) Except as otherwise provided in this subtitle, a health care provider shall comply within a reasonable time after a person in interest requests in writing:

- i. To receive a copy of a medical record; or
- ii. To see and copy the medical record.

In lieu of filing formal charges, the Board and the Respondent have agreed to enter into this public Pre-Charge Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact with the Respondent's consent:

A. BACKGROUND

1. At all times relevant hereto, the Respondent was and remains licensed to practice dentistry in the State of Maryland. The Respondent was originally licensed to practice dentistry in Maryland on April 18, 1990 and recently renewed her license until September 1, 2012.

2. From December 1, 2007 to March 17, 2010,, the Respondent maintained an office for the practice of dentistry, d/b/a "The Smile Wizards", located at 8170 Maple Lawn Boulevard, Suite 150, Fulton, Maryland 20759

3. The Respondent also obtained a license to practice dentistry in the State of Pennsylvania on or about August 3, 1987 but allowed such licensure to expire in 1999. On August 25, 2010, the Respondent was re-licensed in Pennsylvania, under the name Laurie A. Sargent-Soller, License Number DS025814L, scheduled to expire on March 31, 2013.

4. In or around September 2009, the Respondent filed for Chapter 11 bankruptcy. The bankruptcy trustee allowed the Respondent to maintain her practice of dentistry while she remained as a debtor in possession of the assets of the practice. The Respondent alleged that should could not afford to keep her practice open, and on

March 17, 2010 she closed The Smile Wizards.

5. The Respondent alleged that she attempted to notify her patients that her practice had closed and that she instructed them to contact her via e-mail for access to their patient records.

B. PATIENT COMPLAINTS

CASE # 2010-295

6. On or about May 6, 2010, the Board received a complaint from a former patient of the Respondent, alleging that she had unsuccessfully attempted to obtain dental records from the Respondent for herself, her spouse and her two sons. The Complainant ("Complainant 1") stated that she had received a "mass email" sent from the Respondent to her patients, notifying them that following a "bankruptcy foreclosure", her office had been closed and that the dental records were in the possession of the foreclosing bank. The Complaint alleged that Respondent's claim as to the whereabouts of the records, was untrue and that numerous emails requesting the dental records, had been ignored.

CASE # 2010-297

7. Approximately 5 days later, on or about May 11, 2010, the Board received a second complaint from a former patient, alleging that she was scheduled to have a permanent crown placed on May 5, 2010. Upon her arrival at the Respondent's office, the Complainant ("Complainant 2") observed that the office was vacant and that an eviction notice was posted to the front door. She subsequently confirmed with building maintenance workers that the office had been vacated several weeks earlier and that no forwarding information had been provided.

8. Complainant 2 stated that she had been a patient of the dental office, The Smile Wizards, for thirty-six (36) years, and that the Respondent had taken over the practice several years prior when the founding dentist retired.

9. It was further alleged that on February 23, 2010, after a routine dental hygiene appointment, the Respondent recommended that Complainant 2 have a crown replaced. On March 2, 2010, in preparation for the crown replacement, the Respondent placed a temporary cap on the tooth involved.

10. Complainant 2 was requested to make payment, in advance, for "lab fees" and wrote a personal check for one thousand, three hundred, ninety five dollars (\$1395.00), which check was cashed by the Respondent. An appointment for the placement of the permanent crown was scheduled for May 5, 2010, at which time Complainant 2 discovered that the offices had been vacated.

11. Complainant 2 attempted to locate the Respondent, through both internet searches and phone calls, discovering that the office phone was disconnected and no professional information was accessible through her "google" search.

12. By email dated May 13, 2010, Complainant 2 contacted the Respondent, to inquire about the status of her treatment and the location of the fabricated crown. Via email, the Respondent advised her that..."she completely intend[ed] to honor the completion of [Complainant's] work". Respondent committed to making payment to the lab for the completion of the crown by the end of the following week and further promised to..."call the patients to schedule appointments at [Dentist A's] office to seat the crowns."

13. Complainant 2 reluctantly agreed to this arrangement, expressing anxiety

and fear that her dental health would be compromised if the permanent crown was not placed promptly.

14. By email dated May 14, 2010, the Respondent once again reiterated her commitment to complete the treatment, asking that the Complainant allow her a 1-2 week time frame within which to fulfill her obligations.

15. Beginning on June 6, 2010, more than three (3) weeks later, several emails were exchanged between Complainant 2 and the Respondent. Although the Respondent indicated in those emails that she was still willing to complete the treatment, her repeated and consistent delays in communicating with her patient, in paying the lab for the preparation of the crown and in responding to Complainant 2's numerous inquiries, resulted in the Complainant seeking treatment elsewhere and requesting a refund of the monies paid in the amount of \$1395.00.

16. The Respondent refused to refund the monies, claiming that she had no assets.

17. By email dated June 8, 2010, Complainant 2 requested, in writing, that her x-rays be sent to another dentist. It is alleged that the Respondent did not comply with this request for treatment records/films.

18. By email dated October 12, 2010, Complainant 2 requested a refund from the Respondent in the amount of \$1395.00, explaining that she had received treatment from a subsequent treating dentist, who had placed the crown and completed the work initiated by the Respondent. Upon information and belief, the Respondent neither replied to that email, nor provided a full or partial refund to Complainant 2.

CASE # 2010-301

19. On or about May 18, 2010, the Board received a third complaint against the Respondent, stating that on April 12, 2010, the Complainant, ("Complainant 3") arrived at the Respondent's offices to be fitted for a mouth guard, only to discover that the office was vacated. Complainant 3 made numerous attempts to contact the Respondent, via phone and email, to request a copy of her and her husband's dental treatment records. She also sent a letter to the Respondent's last known office address, but it was returned with no forwarding information. The phone number to the office was disconnected with no further information available.

20. Complainant 3 alleged that she had made payment for x-rays, that would no longer be necessary if the mouth guard was not fitted by the Respondent.

21. Complainant 3 stated that her husband, also a former patient of the Respondent, had received a kidney transplant on June 15, 2009 and required his dental records in order to receive the dental care that he had delayed due to his outstanding medical issues.

22. To the best of the Board's knowledge, the Respondent has not provided Complainant 3 or her husband with access to or copies of their dental treatment records, despite their written request (s) for those records.

CASE # 2011-003

23. On or about July 2, 2010, the Board received a fourth complaint against the Respondent, alleging that on March 20, 2010, the Complainant, ("Complainant 4") received an email from the Respondent notifying her that her dental practice..."had been permanently shut down for business". The Complainant

requested, via email, that her dental treatment records as well as her husband and son's records be sent to her immediately.

24. By email dated March 29, 2010, the Respondent committed to sending the requested records and reiterated that commitment through an automated phone message distributed to all of her patients.

25. Complainant 4 made six (6) additional requests for records, via email to the Respondent, on April 16, 2010, April 26, 2010, April 30, 2010, May 14, 2010, May 28, 2010 and June 18, 2010. She received neither a reply to her written requests nor her dental treatment records.

26. In her May 28, 2010 email, Complainant 4 advised the Respondent that she, her husband and son were overdue for their dental hygiene appointments and were awaiting their records before they sought treatment from another dental provider. She further stated that the delay in providing the promised records was "very unprofessional".

27. After receiving no reply to her May 28 email, Complainant 4 sent her final request on June 18, 2010:

[Respondent]—

This situation is really ridiculous. On March 29, 2010, you said you could send our dental records whenever we wanted them. Two months later, you sent an email message that you would send the records immediately.

But still we have nothing from you. What is the problem? I am happy to come to your house and pick up the records if necessary.

I will be calling the State Official on Monday.

The records we need are as follows:

1) [Patient A] [(DOB)]

2) [Patient B] [(DOB)]

3) [Patient C] [(DOB)]

[Patient A]

28. To the best of the Board's knowledge, the Respondent neither replied to these emails nor provided access to or copies of the treatment records.

CASE # 2011-005

29. On or about July 14, 2010, the Board received a fifth complaint against the Respondent, alleging that the Complainant ("Complainant 5") had made numerous unsuccessful attempts to contact the Respondent, via phone and email, to request his x-rays and dental treatment records.

30. Specifically, Complainant 5 stated that..."I need [my records] because I have a serious problem with a loose implant that was done when [the Respondent] was a partner with [Dentist A]." He went on to state that it was critical for his subsequent treating dentist to review both his records and x-rays in order to alleviate the pain and "save the tooth".

31. To the best of the Board's knowledge, the Respondent neither replied to these requests nor provided access to or copies of the treatment records.

CASE # 2011-006

32. On or about July 14, 2010, the Board received the sixth complaint against the Respondent, alleging failure to provide treatment records and x-rays necessary for the Complainant ("Complainant 6") to pursue subsequent and continuing dental hygiene.

33. Complainant 6 alleged that he had made several attempts to contact the

Respondent, via phone and email. The phone number had been disconnected and he received no reply to his emails.

34. Complainant 6 stated that his treatment records dated back several decades and were ...“critical for both future treatment and insurance (which also affects COSTS)”.

35. To the best of the Board’s knowledge, the Respondent neither replied to these requests nor provided access to or copies of the treatment records.

CURRENT BOARD ACTION

36. On May 13, 2010, the Board received a letter from an attorney representing Bank A, notifying the Board that Bank A foreclosed on the property leased by the Respondent’s dental practice. In that letter, Bank A’s attorney explained that the Respondent had sent the bank an email claiming that she was unable to comply with her patients’ requests for records because the bank had denied her access to her former office, which housed the records. She also claimed that she felt physically intimidated and unsafe meeting the landlord and bank representative at her offices for the proposed purpose of accessing dental records requested by former patients.

37. Bank A’s attorney stated that the Respondent had been sent two (2) letters requesting that she provide three available dates upon which she could retrieve records from her former office, but she failed to respond to either of those letters. He went on to explain that the bank had no interest in the records nor were they in a position to access or disclose the records.

38. On August 20, 2010, the Board attempted to contact the Respondent, by leaving voicemail messages on the telephone numbers she provided to Board staff.

The Respondent did not respond.

39. On September 7, 2010, Board staff again attempted to contact the Respondent via telephone. Her son answered the phone and indicated that his mother was unavailable but that she would return the call later that evening. The Respondent did not respond.

40. On September 16, 2010, the Board sent a Subpoena Ad Testificandum, by certified mail, to the Respondent, requiring her appearance at the offices of the Board, for the purpose of giving sworn testimony regarding the complaints filed against her.

41. The Board's certified letter was returned, unclaimed, after the U.S. Postal Service attempted to deliver it on September 18, 2010 and again on September 23, 2010. When the Respondent failed to claim the letter by October 4, 2010, it was returned to the Board.

42. The Respondent claims that, in October 2010, she hired a HIPPA compliant patient records service ("Patient Records Service A") that could install a secure firewall, download patient records and make them electronically available to her former patients.

43. The Respondent claims that sometimes after October 2010, Complainants 1, 2, 4 and 6 accessed their patient records through Patient Records Service A. To date, Complainants 3 and 5 have not received their patient records nor have they accessed their records through Patient Records Service A.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent engaged in unprofessional conduct in the practice of dentistry by failing to provide dental records, within a reasonable time frame when requested in writing by her patients. The Respondent's actions, as set forth above, constitute unprofessional conduct in the practice of dentistry, in violation of H.O. § 4-315 (a) (16) and H.G. § 4-30 (a)(1).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 15th day of June, 2011, by a majority of the quorum of the Board considering this case:

ORDERED that the Respondent's license to practice dentistry is hereby **REPRIMANDED**; and it is further

ORDERED that the Respondent be placed on **PROBATION** for a minimum of **ONE (1) YEAR** to commence on the date the Board executes this Consent Order and until the following terms and conditions are fully satisfied:

1. Within **three (3) MONTHS** of the date that the Board executes this Consent Order, the Respondent shall enroll in and successfully complete a Board-approved course in medical ethics.
2. The course **shall not** apply toward, and shall be in addition to, the Continuing Education requirements for continued licensure in Maryland.
3. The Ethics course **shall** include, but not be limited to, ethical and professional requirements pertaining to maintenance, storage and disclosure of dental

records; HIPAA requirements for health care providers, and ethical obligations towards patient requests for disclosure of information.

4. If such a course is not generally available, the Respondent may submit, in writing, to the Board, for its approval, a customized ethics course, offered by a Board approved expert/consultant. The Respondent shall be responsible for providing such an expert/consultant with all the necessary documentation and background, including a copy of this Consent Order, so that the expert/consultant is aware of and knowledgeable about the circumstances giving rise to the execution of this Order. Final selection of the course will be made by the Board in consultation with the Respondent.
5. The Respondent is solely responsible for furnishing the Board with adequate written verification that she has successfully completed the course.

AND BE IT FURTHER ORDERED that after one (1) year from the date the Consent Order goes into effect, 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, will 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 or investigations pending related to the charges; and it is further

ORDERED that the Respondent shall comply with the Maryland Dental Practice Act and all laws, statutes and regulations pertaining thereto; and be it further

ORDERED that if the Respondent violates any of the terms and conditions of

Probation and this Consent Order, the Board, after notice and an opportunity for a show cause hearing before the Board, or opportunity for an evidentiary hearing before an Administrative Law Judge at the Office of Administrative Hearings, may impose any sanction which the Board may have imposed in this case, including a probationary term and conditions of probation, reprimand, suspension, revocation and/or a monetary penalty. Said allegations of violation of the terms and condition of this Consent Order shall be proven by a preponderance of the evidence; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and be it further

ORDERED that this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. §§ 10-611 *et seq.* (2009 Repl. Vol. and 2010 Supp.).

6/15/2011
Date

T. Earl Flanagan, Jr., D.D.S.
T. Earl Flanagan, Jr., D.D.S.
Board President

CONSENT

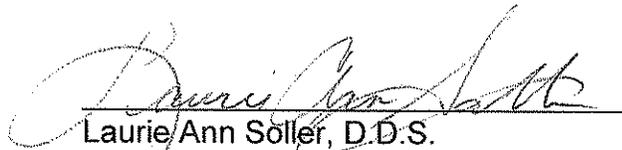
I, Laurie Ann Soller, D.D.S., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, and for the sole purpose of resolving the issues raised by the Board, I accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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 as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

6/10/11
Date


Laurie Ann Soller, D.D.S.
Respondent

Read and approved:

William Brennan, Esq., Attorney for the Respondent

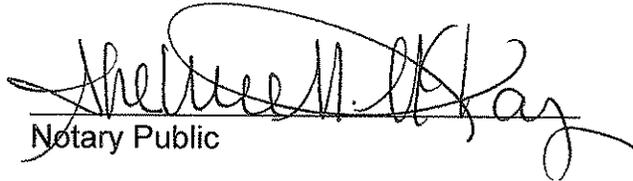
NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Prince George's:

I HEREBY CERTIFY that on this 10th day of June, 2011, before me, a Notary Public of the foregoing State personally appeared Laurie Ann Sollers, D.D.S. License Number 10358, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.


Notary Public

My Commission Expires: 4/13/2013