

IN THE MATTER OF \* BEFORE THE MARYLAND  
ANGELA K. SCARBERRY, D.R.T. \* STATE BOARD OF  
RESPONDENT \* DENTAL EXAMINERS  
Certificate Number: 8112 \* Case Number: 2015-084

\* \* \* \* \*

**CONSENT ORDER**

On or about July 6, 2016, the Maryland State Board of Dental Examiners (the "Board") charged **ANGELA K. SCARBERRY, D.R.T.** (the "Respondent"), Certificate Number 8112, with violating the Maryland Dentistry Act (the "Act"), codified at Md. Code Ann. Health Occ. I. ("Health Occ.") §§ 4-101 *et seq.* (2014 Repl. Vol.); the regulations adopted by the Board, found at Md. Code Regs. ("COMAR") §§ 10.44.01 *et seq.*; and the terms of her Consent Agreement, dated November 18, 2015 (the "Agreement"), specifically the compliance provision of the Agreement, which provides in relevant part:

I understand that if I fail to comply with these conditions, the Board may charge me with violating this Consent Agreement and, after notice and an opportunity for a hearing, may impose any sanction it deems appropriate, including suspension or revocation of my Maryland dental radiation technologist certification.

Specifically, the Board charged that the Respondent has violated the following conditions of the Agreement:

- 1) By February 19, 2016, I will submit an anonymous certified, cashier's check or money order in the amount of one hundred dollars (\$100.00) to [one of two dentistry-related charities].
- 2) By February 29, 2016, I will submit proof that my \$100.00 anonymous donation has been made. The contribution must be by certified, cashier's check or money order with no identification of me as the donor.

- 3) By February 19, 2016, I will have completed 10 hours of Board approved pro bono community service or 10 hours of Board approved pro bono dental services, which I may lawfully perform.
- 4) By February 29, 2016, I will submit proof to the Board that I have completed 10 hours of Board approved pro bono community service or 10 hours of Board approved pro bono dental services, which I may lawfully perform.

The pertinent provisions of law are as follows:

**Health Occ. § 4-505. Certification of dental radiation technologists**

- (a) "Dental radiation technologists" and "practice dental radiation technology" defined; rules and regulations; competency requirements. -- The Board of Dental Examiners shall:
  - (2) Adopt rules and regulations concerning qualifications, training, certification, monitoring of, and enforcement requirements for a dental radiation technologist[.]

**COMAR § 10.44.19.02 Certification Required.**

An individual shall be currently certified by the Board as a dental radiation technologist before the individual may practice dental radiation technology on a human being in this State.

**COMAR § 10.44.19.05 Term and Renewal of Certification.**

- F. Certification After April 1.
  - (1) A certificate holder who has failed to renew a certificate to practice dental radiation technology in this State by April 1 of the year in which the certificate is due for renewal is prohibited from practicing dental radiation technology in this State after the expiration date of the certificate.

**COMAR § 10.44.19.08 Prohibitions.**

- A. An individual may not practice dental radiation technology on a human being in this State unless the individual is certified by the Board as a dental radiation technologist.

**COMAR § 10.44.19.12 Penalties for Violations of These Regulations.**

- A. Subject to the hearing provisions of this chapter, the Board may deny a certificate to practice dental radiation technology, reprimand any certified dental radiation technologist, place any certified dental

radiation technologist on probation, or suspend or revoke the certificate of any certified dental radiation technologist, if the holder of the certificate:

- (6) Violates any rule or regulation adopted by the Board;
- (12) Fails to comply with a Board order;
- (15) Behaves dishonorably or unprofessionally.

**COMAR § 10.44.23.01 Unprofessional or Dishonorable Conduct.**

C. The following shall constitute unprofessional or dishonorable conduct in the practice of dentistry, dental hygiene, or dental radiation technology:

- (2) Engaging in conduct which is unbecoming a member of the dental profession;

**COMAR § 10.44.23.02 Penalties.**

C. A dental radiation technologist who violates this chapter is subject to the sanctions enumerated in COMAR 10.44.19.11A.<sup>1</sup>

**COMAR § 10.44.30.05 Violations.**

A. Failure to comply with this chapter constitutes unprofessional conduct and may constitute other violations of law.

On September 7, 2016, a Case Resolution Conference (“CRC”) was held at the Board’s offices. Following the CRC, the Respondent and the Board agreed to enter into this Consent Order.

**FINDINGS OF FACT**

The Board finds the following facts:

**Background of Consent Agreement**

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<sup>1</sup> COMAR 10.44.19.11A has been recodified as COMAR 10.44.19.12.

1. The Respondent was initially certified to practice dental radiation technology in Maryland on or about June 12, 1992, under certificate number 8112. The Respondent's certificate expired on or about March 1, 2005.

2. On or about May 27, 2014, the Board received an Application for Reinstatement of Dental Radiation Technologist Certificate (the "Application") from the Respondent.

3. On or about June 4, 2014, in response to a request for information from the Board, the Respondent submitted a notarized letter in which she admitted that after March 1, 2005, when her certificate expired, she continued to practice dental radiation technology without a valid certificate until approximately August of 2008. The Respondent also stated that in her current job, "I do set up and position x-rays now."

4. On or about June 18, 2014, the Board granted the Application and reinstated the Respondent's certificate. Her current certificate is set to expire on or about March 1, 2017.

### **Consent Agreement**

5. On January 20, 2015, in lieu of charging the Respondent with violations of the Board's regulations, the Board, via certified mail to the Respondent's home address, offered the Respondent the opportunity to enter into a Consent Agreement (the "Agreement") to resolve the issue of her unauthorized practice. The key terms of the Agreement were those referenced above, including performing pro bono service and making a charitable donation. The Board's offer indicated that in order to accept the offer, the Respondent must have responded by February 6, 2015.

6. On or about January 23, 2015, according to the certified mail receipt, the Respondent received the Board's offer. However, as of the deadline, no response was received from the Respondent.

7. On or about March 30, 2015, the Board sent the Respondent a second notice, reiterating the offer of the Agreement in lieu of charges. The second notice indicated that in order to accept the offer, the Respondent must have responded by April 10, 2015.

8. On or about April 2, 2015, according to the certified mail receipt, the Respondent received the Board's second notice. However, as of the deadline, no response was received from the Respondent.

9. On or about July 27, 2015, the Board sent the Respondent a final notice, reiterating the offer of the Agreement in lieu of charges. The final notice indicated that in order to accept the offer, the Respondent must have responded by August 14, 2015.

10. On or about August 28, 2015, the Board received the certified mail receipt, which indicated that the final notice was unclaimed and was unable to be forwarded.

11. On or about September 11, 2015, the Board received a telephone call from the Respondent. During the call, the Respondent claimed she had mailed the signed Agreement to the Board. However, the Board had not received it. The Respondent promised to resend the document, but once again, the Board did not receive the signed Agreement.

12. On or about November 3, 2015, the Respondent again telephoned the Board. During the call, the Respondent stated that she sent the signed Agreement the wrong address.

13. Subsequently, the Board received the Respondent's signed Agreement, dated October 27, 2015. The Board executed the Agreement on November 18, 2015.

**Failure to Comply with Consent Agreement**

14. On or about February 17, 2016, the Board was contacted by the clinical director of the Respondent's assigned *pro bono* site and notified that the Respondent had failed to make arrangements to fulfill her service obligations. The Board telephoned the Respondent to inquire, but was unable to reach the Respondent.

15. As of the deadline, the Respondent failed to submit evidence that she had completed ten (10) hours of pro bono service, as required under the Agreement.

16. As of the deadline, the Respondent also failed to submit evidence that she had made a \$100 donation to a dentistry-related charity, as required under the Agreement.

17. In summary, the Respondent failed to comply with any of the terms of the Agreement.

**CONCLUSIONS OF LAW**

The Respondent's unauthorized practice of dental radiation technology and her failure to comply with the Agreement, as described above, constitute violations of the regulations adopted by the Board and the Agreement as cited above.

**ORDER**

Based on the foregoing, it is this 30<sup>TH</sup> day of SEPTEMBER, 2016, by the Board hereby:

**ORDERED** that the Respondent is hereby **REPRIMANDED**; and it is further

**ORDERED** that The Respondent's shall be placed on **PROBATION** for a period of no less than **ONE (1) YEAR**, to commence on the effective date of the

Consent Order, and continuing until the Respondent successfully completes the following probationary conditions:

- A. The Respondent is hereby fined in the amount of one thousand dollars (\$1000.00); however, the amount is hereby reduced to five hundred dollars (\$500) based on the Respondent's circumstances, including financial hardship and recent divorce. The fine shall be paid to the Board in ten (10) monthly installments of fifty dollars (\$50), due on the first of each consecutive month following the effective date of the Consent Order;
- B. The Respondent shall, at her own expense, successfully complete a Board-approved course, equivalent to two (2) continuing education credits, focusing on professional ethics, and shall submit written verification that satisfies the Board of the successful completion of the course within 30 days of completion of the course;
- C. The course mentioned above shall not count toward the Respondent's continuing education requirements for renewal of her D.R.T. certificate; and
- D. The Respondent shall comply with the Maryland Dentistry Act.

And it is further:

**ORDERED** that no part of the training or education that the Respondent receives in connection with this Consent Order may be applied to his required continuing education credits; and it is further

**ORDERED** that the Respondent shall at all times cooperate with the Board, and any of its agents or employees, in the monitoring, supervision and investigation of the Respondent's compliance with the terms and conditions of this Consent Order; and it is further

**ORDERED** that the Respondent shall be responsible for all costs incurred under this Consent Order; and it is further

**ORDERED** that after a minimum of one (1) year from the effective date of the Consent Order, 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 shall grant termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending investigations, outstanding complaints related to the charges, or violations of this Consent Order; and it is further

**ORDERED** that if the Respondent violates any of the terms or conditions of the Consent Order, the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board, or an evidentiary hearing if there is a genuine dispute of fact, may impose an additional probationary term and conditions of probation, reprimand, suspension, revocation and/or a monetary penalty; and it is further

**ORDERED** that this Consent Order is a Final Order of the Board and a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 et seq. (2014).

SEPT. 30TH 2016  
Date

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

**CONSENT**

By this Consent, I, Angela Scarberry (a.k.a. Angela Crosby), D.R.T., acknowledge that I have had the opportunity to consult with legal counsel at all stages of this matter but have freely chosen not to. I understand that this Consent Order will resolve the Charges against me and forfeit my right to a formal evidentiary hearing on the Charges. By this Consent, I agree to be bound by the terms of this Consent Order. I

acknowledge under oath that I in fact committed the specific violations as set forth above. I acknowledge under oath the accuracy of the Findings of Fact and the validity of the Conclusions of Law contained in this Consent Order. I acknowledge that for all purposes, the Findings of Fact and Conclusions of Law will be treated as if proven in 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 Findings of Fact and Conclusions of Law. 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 waive my right to any appeal in this matter. I affirm that I have asked and received satisfactory answers to all my questions regarding the language, meaning, and terms of this Consent Order. I sign this Consent Order voluntarily and without reservation, and I fully understand and comprehend the language, meaning, and terms of this Consent Order.

9-24-16  
Date

Angela Smry  
Angela Scarberry, D.R.T.  
Respondent

**NOTARY**

STATE OF Maryland

CITY/COUNTY OF: Anne Arundel

I HEREBY CERTIFY that on this 24<sup>th</sup> day of September, 2016, before me, a Notary Public of the State and County aforesaid, personally appeared Angela

Scarberry, D.R.T., and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

**AS WITNESS**, my hand and Notary Seal.

  
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Notary Public

My commission expires: 3/29/20

